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13

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

16 IN RE: LITHIUM ION BATTERIES	§	Master File No. 4:13-md-02420-YGR
17 ANTITRUST LITIGATION	§	MDL No. 2420
18 This Document Relates To:	§	
	§	Case No. 4:15-cv-01948 YGR
19 ACER, INC.; ACER AMERICA	§	
20 CORPORATION; GATEWAY, INC.;	§	DEFENDANT HITACHI MAXELL,
21 and GATEWAY U.S. RETAIL, INC.	§	LTD.'S ANSWER TO COMPLAINT
22 f/k/a EMACHINES, INC.	§	OF ACER, INC.; ACER AMERICA
	§	CORPORATION; GATEWAY, INC.;
	§	and GATEWAY U.S. RETAIL, INC.
	§	f/k/a EMACHINES, INC.

1 **DEFENDANT HITACHI MAXELL, LTD.’S ANSWER AND AFFIRMATIVE DEFENSES**
2 **TO COMPLAINT OF ACER, INC.; ACER AMERICA CORPORATION; GATEWAY, INC.;**
3 **AND GATEWAY U.S. RETAIL, INC. F/K/A EMACHINES, INC.**

4 Defendant Hitachi Maxell, Ltd. (“HML”) respectfully submits its Answer and Affirmative
5 Defenses in response to the Complaint filed by **ACER, INC.; ACER AMERICA**
6 **CORPORATION; GATEWAY, INC.; and GATEWAY U.S. RETAIL, INC. f/k/a**
7 **EMACHINES, INC.** (the “Complaint”), as follows:¹

8 **I. “INTRODUCTION”**

9 1. HML denies the allegations in Paragraph 1 of the Complaint to the extent that they
10 state allegations against HML. HML further states that it lacks knowledge or information sufficient
11 to form a belief as to the truth of the remaining allegations in Paragraph 1; to the extent any answer
12 is required, HML denies the allegations therein. HML specifically denies engaging in any
13 “conspiracy.”

14 2. HML lacks knowledge or information sufficient to form a belief as to the truth of the
15 allegations in Paragraph 2 of the Complaint, which consist of statements of technical expertise that
16 are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations
17 therein.

18 3. HML lacks knowledge or information sufficient to form a belief as to the truth of the
19 allegations in Paragraph 3 of the Complaint, which consist of statements of technical expertise and
20 economic theory that are best suited to an expert opinion; to the extent any answer is required, HML
21 denies the allegations therein.

22 4. HML lacks knowledge or information sufficient to form a belief as to the truth of the
23 allegations in Paragraph 4 of the Complaint, which consist of statements of economic theory that are
24 best suited to an expert opinion; to the extent any answer is required, HML denies the allegations
25 therein.

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27 ¹ Solely for the convenience of the Court, this Answer repeats the headings used in the Complaint. HML does
28 *not* thereby admit the contents of any heading.

1 5. HML denies the allegations in Paragraph 5 of the Complaint to the extent that they
2 state allegations against HML. HML further states that it lacks knowledge or information sufficient
3 to form a belief as to the truth of the remaining allegations in Paragraph 5; to the extent any answer
4 is required, HML denies the allegations therein. HML specifically denies engaging in any
5 “cartelization of the worldwide market” or possessing any “secret” materials regarding the same.

6 6. HML lacks sufficient knowledge or information to form a belief as to the truth of the
7 allegations in Paragraph 6 of the Complaint; to the extent any answer is required, HML denies the
8 allegations therein.

9 7. HML lacks sufficient knowledge or information to form a belief as to the truth of the
10 allegations in Paragraph 7 of the Complaint; to the extent any answer is required, HML denies the
11 allegations therein.

12 8. HML denies the allegations in Paragraph 8 of the Complaint to the extent that they
13 state allegations against HML. HML further states that it lacks knowledge or information sufficient
14 to form a belief as to the truth of the remaining allegations in Paragraph 8; to the extent any answer
15 is required, HML denies the allegations therein. HML specifically denies engaging in any “unlawful
16 conduct” as part of a “price-fixing cartel,” or seeking to “artificially increase” prices by “agreeing to
17 restrain competition.”

18 9. HML denies the allegations in Paragraph 9 of the Complaint to the extent that they
19 state allegations against HML, and lacks knowledge or information sufficient to form a belief as to
20 the truth of the remaining allegations in Paragraph 9; to the extent any answer is required, HML
21 denies the allegations therein. HML specifically denies engaging in any “collusive discussions.”

22 10. HML denies the allegations in Paragraph 10 of the Complaint to the extent that they
23 state allegations against HML, and lacks knowledge or information sufficient to form a belief as to
24 the truth of the remaining allegations in Paragraph 10; to the extent any answer is required, HML
25 denies the allegations therein. HML specifically denies engaging in any “collusive discussions.”

26 11. HML denies the allegations in Paragraph 11 of the Complaint to the extent that they
27 state allegations against HML, and lacks knowledge or information sufficient to form a belief as to
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1 the truth of the remaining allegations in Paragraph 11; to the extent any answer is required, HML
2 denies the allegations therein. HML specifically denies engaging in any “collusive” or
3 “conspiratorial meetings.”

4 12. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 12 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML further
7 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
8 underlying allegations in Paragraph 12; to the extent any answer is required, HML denies the
9 allegations therein. HML specifically denies that it had any “conscious commitment” to stabilize or
10 increase LIB prices

11 13. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 13 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML further
14 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
15 underlying allegations in Paragraph 13; to the extent any answer is required, HML denies the
16 allegations therein.

17 14. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document quoted in Paragraph 14 of the Complaint speaks for itself and no further response is
19 required; to the extent that any answer is required, HML denies the allegations therein. HML further
20 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
21 underlying allegations in Paragraph 14; to the extent any answer is required, HML denies the
22 allegations therein. HML specifically denies attending any meetings in furtherance of any purported
23 “conspiracy.”

24 15. HML denies the allegations in Paragraph 15 of the Complaint to the extent that they
25 state allegations against HML. HML further states that if accurately quoted, which HML lacks
26 sufficient information to confirm or deny, the document quoted in the final sentence of Paragraph 15
27 of the Complaint speaks for itself and no further response is required; to the extent that any answer is
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1 required, HML denies the allegations therein. HML further states that it lacks knowledge or
2 information sufficient to form a belief as to the truth of the underlying allegations in Paragraph 15;
3 to the extent any answer is required, HML denies the allegations therein. HML specifically denies
4 entering into any agreement to restrain output or increase prices.

5 16. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
6 document quoted in Paragraph 16 of the Complaint speaks for itself and no further response is
7 required; to the extent that any answer is required, HML denies the allegations therein. HML further
8 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
9 underlying allegations in Paragraph 16; to the extent any answer is required, HML denies the
10 allegations therein.

11 17. HML denies the allegations in the first sentence of Paragraph 17 of the Complaint to
12 the extent that they state allegations against HML. If accurately quoted, which HML lacks sufficient
13 information to confirm or deny, the document quoted in Paragraph 17 speaks for itself and no further
14 response is required; to the extent that any answer is required, HML denies the allegations therein.
15 HML further states that it lacks knowledge or information sufficient to form a belief as to the truth of
16 the underlying allegations in Paragraph 17; to the extent any answer is required, HML denies the
17 allegations therein. HML specifically denies that it understood any of its actions to violate (or in fact
18 violated) “international antitrust laws.”

19 18. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 18 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML further
22 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
23 underlying allegations in Paragraph 18; to the extent any answer is required, HML denies the
24 allegations therein.

25 19. HML denies the allegations in Paragraph 19 of the Complaint to the extent that they
26 state allegations against HML. HML further states that it lacks knowledge or information sufficient
27 to form a belief as to the truth of the remaining allegations in Paragraph 19; to the extent any answer
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1 is required, HML denies the allegations therein. HML specifically denies that it attended “collusive
2 meetings,” that it had “co-conspirators,” or that it engaged in any purported “conspiracy.”

3 20. HML denies the allegations in Paragraph 20 of the Complaint to the extent that they
4 state allegations against HML. HML further states that it lacks knowledge or information sufficient
5 to form a belief as to the truth of the remaining allegations in Paragraph 20; to the extent any answer
6 is required, HML denies the allegations therein. HML specifically denies that it acted with any
7 “consciousness of guilt” or that it engaged in any purported “conspiracy.”

8 21. HML denies the allegations in the first sentence of Paragraph 21 of the Complaint to
9 the extent that they state allegations against HML. If accurately quoted, which HML lacks sufficient
10 information to confirm or deny, the document quoted in Paragraph 21 speaks for itself and no further
11 response is required; to the extent that any answer is required, HML denies the allegations therein.
12 HML further states that it lacks knowledge or information sufficient to form a belief as to the truth of
13 the underlying allegations in Paragraph 21; to the extent any answer is required, HML denies the
14 allegations therein. HML specifically denies that it engaged in any “conspiracy” to raise worldwide
15 prices or that it worked “in concert” with any of its affiliates to do so.

16 22. HML denies the allegations in Paragraph 22 of the Complaint to the extent that they
17 state allegations against HML. HML lacks information or knowledge sufficient to form a belief as
18 to the truth of the remaining allegations in Paragraph 22; to the extent any answer is required, HML
19 denies the allegations therein. HML specifically denies that HML or any of its executives have
20 pleaded guilty to price fixing or participated in any of the aforementioned alleged component part
21 conspiracies.

22 23. HML denies the allegations in Paragraph 23 of the Complaint to the extent that they
23 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
24 to the truth of the remaining allegations in Paragraph 23; to the extent any answer is required, HML
25 denies the
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1 allegations therein. HML specifically denies that it has participated in any purported “conspiracy.”

2 **II. “JURISDICTION AND VENUE”**

3 24. HML states that the allegations in Paragraph 24 of the Complaint consist of legal
4 arguments and conclusions to which no response is required; to the extent that any answer is
5 required, HML denies the allegations therein.

6 25. HML states that the allegations in Paragraph 25 of the Complaint consist of legal
7 arguments and conclusions to which no response is required; to the extent that any answer is
8 required, HML denies the allegations therein.

9 26. HML states that the allegations in Paragraph 26 of the Complaint consist of legal
10 arguments and conclusions to which no response is required; to the extent that any answer is
11 required, HML denies the allegations therein.

12 27. HML denies the allegations in Paragraph 27 of the Complaint to the extent that they
13 state allegations against HML. HML further states that it lacks knowledge or information sufficient
14 to form a belief as to the truth of the remaining allegations in Paragraph 27; to the extent any answer
15 is required, HML denies the allegations therein. HML specifically denies engaging in any
16 “conspiracy.”

17 28. HML denies the allegations in Paragraph 28 of the Complaint. HML states that the
18 allegations in the first sentence of Paragraph 28 consist of legal arguments and conclusions to which
19 no response is required; to the extent any response is required, HML denies the allegations therein.
20 HML specifically denies that HML or any of its executives have pleaded guilty in connection with
21 the conspiracy alleged.

22 29. HML states that the allegations in Paragraph 29 of the Complaint consist of legal
23 arguments and conclusions to which no response is required; to the extent that any answer is
24 required, HML denies the allegations therein.

25 30. HML states that the allegations in Paragraph 30 of the Complaint consist of legal
26 arguments and conclusions to which no response is required; to the extent that any answer is
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required, HML denies the allegations therein.

III. “THE PARTIES”

A. “Plaintiffs”

31. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

32. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

33. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

34. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

35. HML states that the allegations in the final sentence of Paragraph 35 consist of legal arguments and conclusions to which no response is required; to the extent any response is required, HML denies the allegations therein. HML further states it lacks sufficient information or knowledge to form a belief as to the remaining allegations in Paragraph 35; to the extent that any answer is required, HML denies the allegations therein. HML specifically denies that it engaged in any conspiracy or price fixing, or that any Plaintiffs suffered any injury as the result of HML’s conduct.

36. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 of the Complaint; to the extent any answer is required, HML denies the

1 allegations therein.

2 **B. “Defendants”**

3 37. HML lacks knowledge or information sufficient to form a belief as to the truth of the
4 allegations in Paragraph 37 of the Complaint; to the extent any answer is required, HML denies the
5 allegations therein.

6 38. HML lacks knowledge or information sufficient to form a belief as to the truth of the
7 allegations in Paragraph 38 of the Complaint; to the extent any answer is required, HML denies the
8 allegations therein.

9 39. HML states that the allegations in Paragraph 39 of the Complaint consist of shorthand
10 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
11 required, HML denies the allegations therein.

12 40. HML states that the allegations in Paragraph 40 of the Complaint consist of shorthand
13 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
14 required, HML denies the allegations therein.

15 41. HML denies the allegations in the first sentence of Paragraph 41 of the
16 Complaint. HML avers that its address is 2-16-2, Konan, Minato-ku, Tokyo, 108-8248, Japan.
17 HML denies the allegation in Paragraph 41 that Hitachi Maxell, Ltd. is a wholly owned subsidiary of
18 Hitachi, Ltd. HML further specifically denies that it participated in any purported “conspiracy,” and
19 denies all remaining allegations in Paragraph 41.

20 42. HML admits the allegations in the first sentence of Paragraph 42 of the
21 Complaint. HML denies specifically that either MCA or Hitachi Maxell, Ltd. or any of its affiliates
22 participated in any purported “conspiracy,” and denies all remaining allegations in Paragraph 42.

23 43. HML states that the allegations in Paragraph 43 of the Complaint consist of shorthand
24 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
25 required, HML denies the allegations therein. HML objects to Plaintiffs’ shorthand because it
26 improperly conflates and confuses the acts of two distinct corporate entities.

1 44. HML lacks knowledge or information sufficient to form a belief as to the truth of the
2 allegations in Paragraph 44 of the Complaint; to the extent any answer is required, HML denies the
3 allegations therein.

4 45. HML lacks knowledge or information sufficient to form a belief as to the truth of the
5 allegations in Paragraph 45 of the Complaint; to the extent any answer is required, HML denies the
6 allegations therein.

7 46. HML lacks knowledge or information sufficient to form a belief as to the truth of the
8 allegations in Paragraph 46 of the Complaint; to the extent any answer is required, HML denies the
9 allegations therein.

10 47. HML states that the allegations in Paragraph 47 of the Complaint consist of shorthand
11 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
12 required, HML denies the allegations therein.

13 48. HML lacks knowledge or information sufficient to form a belief as to the truth of the
14 allegations in Paragraph 48 of the Complaint; to the extent any answer is required, HML denies the
15 allegations therein.

16 49. HML states that the allegations in Paragraph 49 of the Complaint consist of shorthand
17 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
18 required, HML denies the allegations therein.

19 50. HML states that the allegations in Paragraph 50 of the Complaint consist of shorthand
20 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
21 required, HML denies the allegations therein. HML objects to Plaintiffs' shorthand because it
22 improperly conflates and confuses the acts of distinct corporate entities.

23 51. HML states that the allegations in Paragraph 51 of the Complaint consist of shorthand
24 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
25 required, HML denies the allegations therein. HML objects to Plaintiffs' shorthand because it
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1 improperly conflates and confuses the acts of distinct corporate entities.

2 **C. “Agents and Co-Conspirators”**

3 52. HML states that the allegations in Paragraph 52 of the Complaint consist of legal
4 arguments and conclusions to which no response is required; to the extent that any answer is
5 required, HML denies the allegations therein.

6 53. HML states that the allegations in Paragraph 53 of the Complaint consist of legal
7 arguments and conclusions to which no response is required; to the extent that any answer is
8 required, HML denies the allegations therein.

9 54. HML states that the allegations in Paragraph 54 of the Complaint consist of legal
10 arguments and conclusions to which no response is required; to the extent that any answer is
11 required, HML denies the allegations therein. HML specifically denies the allegations in Paragraph
12 54 to the extent that they confuse and conflate the actions of distinct corporate entities.

13 55. HML states that the allegations in Paragraph 55 of the Complaint consist of legal
14 arguments and conclusions to which no response is required; to the extent that any answer is
15 required, HML denies the allegations therein.

16 56. HML states that the allegations in Paragraph 56 of the Complaint consist of legal
17 arguments and conclusions to which no response is required; to the extent that any answer is
18 required, HML denies the allegations therein.

19 57. HML lacks knowledge or information sufficient to form a belief as to the truth of the
20 allegations in Paragraph 57 of the Complaint; to the extent any answer is required, HML denies the
21 allegations therein.

22 58. HML lacks knowledge or information sufficient to form a belief as to the truth of the
23 allegations in Paragraph 58 of the Complaint; to the extent any answer is required, HML denies the
24 allegations therein.

25 59. HML states that the allegations in Paragraph 59 of the Complaint consist of shorthand
26 used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is
27 required, HML denies the allegations therein.

60. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

61. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

62. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

63. HML states that the allegations in Paragraph 63 of the Complaint consist of shorthand used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is required, HML denies the allegations therein.

64. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

65. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

66. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

67. HML states that the allegations in Paragraph 67 of the Complaint consist of shorthand used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is required, HML denies the allegations therein.

68. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

69. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

70. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

71. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

72. HML states that the allegations in Paragraph 72 of the Complaint consist of shorthand used by the Plaintiffs for their convenience and do not require an answer; to the extent an answer is required, HML denies the allegations therein.

IV. “DESCRIPTION OF LITHIUM ION BATTERIES”

A. “Background of Batteries”

73. HML lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 73 of the Complaint, which consist of statements of technical expertise that are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations therein.

74. HML lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 74 of the Complaint, which consist of statements of technical expertise that are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations therein.

75. HML lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 75 of the Complaint, which consist of statements of technical expertise that are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations therein.

76. HML lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 76 of the Complaint, which consist of statements of technical expertise and/or economic theory that are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations therein.

1 77. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 77 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML further
4 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
5 underlying allegations in Paragraph 77; to the extent any answer is required, HML denies the
6 allegations therein.

7 **B. “Lithium Ion Batteries”**

8 **1. “Properties and Types of LIBs”**

9 78. HML lacks knowledge or information sufficient to form a belief as to the truth of the
10 allegations in Paragraph 78 of the Complaint, which consist of statements of technical expertise that
11 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
12 allegations therein.

13 79. HML lacks knowledge or information sufficient to form a belief as to the truth of the
14 allegations in Paragraph 79 of the Complaint, which consist of statements of technical expertise that
15 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
16 allegations therein.

17 80. HML lacks knowledge or information sufficient to form a belief as to the truth of the
18 allegations in Paragraph 80 of the Complaint, which consist of statements of technical expertise that
19 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
20 allegations therein.

21 81. HML lacks knowledge or information sufficient to form a belief as to the truth of the
22 allegations in Paragraph 81 of the Complaint, which consist of statements of technical expertise that
23 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
24 allegations therein.

25 82. HML lacks knowledge or information sufficient to form a belief as to the truth of the
26 allegations in Paragraph 82 of the Complaint, which consist of statements of technical expertise that
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1 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
2 allegations therein.

3 83. HML lacks knowledge or information sufficient to form a belief as to the truth of the
4 allegations in Paragraph 83 of the Complaint, which consist of statements of technical expertise that
5 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
6 allegations therein.

7 84. HML lacks knowledge or information sufficient to form a belief as to the truth of the
8 allegations in Paragraph 84 of the Complaint, which consist of statements of technical expertise that
9 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
10 allegations therein.

11 85. HML states that the allegations in Paragraph 85 of the Complaint consist of Plaintiffs'
12 definition of "Lithium Ion Batteries" and do not require an answer; the extent an answer is
13 required, HML denies the allegations therein.

14 86. HML lacks knowledge or information sufficient to form a belief as to the truth of the
15 allegations in Paragraph 86 of the Complaint, which consist of statements of technical expertise
16 and/or economic theory that are best suited to an expert opinion; to the extent that any answer is
17 required, HML denies the allegations therein.

18 87. HML lacks knowledge or information sufficient to form a belief as to the truth of the
19 allegations in Paragraph 87 of the Complaint, which consist of statements of technical expertise that
20 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
21 allegations therein.

22 88. HML lacks knowledge or information sufficient to form a belief as to the truth of the
23 allegations in Paragraph 88 of the Complaint, which consist of statements of technical expertise that
24 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
25 allegations therein.

26 89. HML lacks knowledge or information sufficient to form a belief as to the truth of the
27 allegations in Paragraph 89 of the Complaint, which consist of statements of technical expertise that
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1 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
2 allegations therein.

3 90. HML lacks knowledge or information sufficient to form a belief as to the truth of the
4 allegations in Paragraph 90 of the Complaint, which consist of statements of technical expertise that
5 are best suited to an expert opinion; to the extent that any answer is required, HML denies the
6 allegations therein.

7 **2. “LIBs are commodity products”**

8 91. HML lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations in Paragraph 91 of the Complaint, which consist of statements of technical expertise
10 and/or economic theory that are best suited to an expert opinion; to the extent that any answer is
11 required, HML denies the allegations therein.

12 92. HML lacks knowledge or information sufficient to form a belief as to the truth of the
13 allegations in Paragraph 92 of the Complaint, which consist of statements of technical expertise and
14 economic theory that are best suited to an expert opinion; to the extent that any answer is required,
15 HML denies the allegations therein.

16 93. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 93 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML further
19 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
20 underlying allegations in Paragraph 93, which consist of statements of economic theory that are best
21 suited to an expert opinion; to the extent any answer is required, HML denies the allegations therein.

22 94. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 94 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein. HML further
25 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
26 underlying allegations in Paragraph 94, which consist of statements of technical expertise and/or
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1 economic theory that are best suited to an expert opinion; to the extent any answer is required, HML
2 denies the allegations therein.

3 95. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 95 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML further
6 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
7 underlying allegations in Paragraph 95, which consist of statements of economic theory that are best
8 suited to an expert opinion; to the extent any answer is required, HML denies the allegations therein.

9 96. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
10 document quoted in Paragraph 96 of the Complaint speaks for itself and no further response is
11 required; to the extent that any answer is required, HML denies the allegations therein. HML further
12 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
13 underlying allegations in Paragraph 96; to the extent any answer is required, HML denies the
14 allegations therein.

15 97. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
16 document quoted in Paragraph 97 of the Complaint speaks for itself and no further response is
17 required; to the extent that any answer is required, HML denies the allegations therein. HML further
18 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
19 underlying allegations in Paragraph 97, which consist of statements of technical expertise that are
20 best suited to an expert opinion; to the extent any answer is required, HML denies the allegations
21 therein.

22 **V. “DEFENDANTS CONSPIRED TO RAISE AND STABILIZE LITHIUM ION**
23 **BATTERY PRICES”**

24 **A. “Summary of Defendants’ Overt Acts in Furtherance of the Conspiracy”**

25 98. HML denies the allegations in Paragraph 98 of the Complaint to the extent that they
26 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
27 to the truth of the remaining allegations in Paragraph 98; to the extent any answer is required, HML
28

1 denies the allegations therein. HML specifically denies that it engaged in any “collusive meetings
2 and communications.”

3 99. HML denies the allegations in Paragraph 99 of the Complaint to the extent that they
4 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
5 to the truth of the remaining allegations in Paragraph 99; to the extent any answer is required, HML
6 denies the allegations therein. HML specifically denies that it took any acts or participated in any
7 “collusive meetings” in furtherance of any purported “conspiracy.”

8 100. HML denies the allegations in Paragraph 100 of the Complaint to the extent that they
9 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
10 to the truth of the remaining allegations in Paragraph 100; to the extent any answer is required, HML
11 denies the allegations therein. HML specifically denies that it took any acts or had any “collusive
12 discussions” in furtherance of any purported “conspiracy.”

13 101. HML denies the allegations in Paragraph 101 of the Complaint to the extent that they
14 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
15 to the truth of the remaining allegations in Paragraph 101; to the extent any answer is required HML
16 denies the allegations therein. HML specifically denies that it took any acts in furtherance of any
17 purported “conspiracy” or that it attended any “conspiratorial meetings.”

18 102. HML denies the allegations in Paragraph 102 of the Complaint to the extent that they
19 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
20 to the truth of the remaining allegations in Paragraph 102; to the extent any answer is required, HML
21 denies the allegations therein. HML specifically denies that it took part in any “collusive meetings.”

22 103. If accurately described, which HML lacks sufficient information to confirm or deny,
23 the document referenced in Paragraph 103 of the Complaint speaks for itself and no further response
24 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
25 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
26 Paragraph 103; to the extent any answer is required, HML denies the allegations therein.

1 104. If accurately quoted, which HML lacks sufficient knowledge or information to
2 confirm or deny, the document quoted in Paragraph 104 of the Complaint speaks for itself and no
3 further response is required; to the extent that any answer is required, HML denies the allegations
4 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
5 underlying allegations in Paragraph 104; to the extent any answer is required, HML denies the
6 allegations therein. HML specifically denies attending any meetings in furtherance of any purported
7 “conspiracy.”

8 105. If accurately quoted, which HML lacks sufficient knowledge or information to
9 confirm or deny, the document quoted in Paragraph 105 of the Complaint speaks for itself and no
10 further response is required; to the extent that any answer is required, HML denies the allegations
11 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
12 underlying allegations in Paragraph 105; to the extent any answer is required, HML denies the
13 allegations therein.

14 106. If accurately quoted, which HML lacks sufficient knowledge or information to
15 confirm or deny, the document quoted in Paragraph 106 of the Complaint speaks for itself and no
16 further response is required; to the extent that any answer is required, HML denies the allegations
17 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
18 underlying allegations in Paragraph 106; to the extent any answer is required, HML denies the
19 allegations therein.

20 107. If accurately quoted, which HML lacks sufficient knowledge or information to
21 confirm or deny, the document quoted in Paragraph 107 of the Complaint speaks for itself and no
22 further response is required; to the extent that any answer is required, HML denies the allegations
23 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
24 underlying allegations in Paragraph 107; to the extent any answer is required, HML denies the
25 allegations therein.

26 108. If accurately quoted, which HML lacks sufficient knowledge or information to
27 confirm or deny, the document quoted in Paragraph 108 of the Complaint speaks for itself and no
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1 further response is required; to the extent that any answer is required, HML denies the allegations
2 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
3 underlying allegations in Paragraph 108; to the extent any answer is required, HML denies the
4 allegations therein.

5 109. If accurately quoted, which HML lacks sufficient knowledge or information to
6 confirm or deny, the document quoted in Paragraph 109 of the Complaint speaks for itself and no
7 further response is required; to the extent that any answer is required, HML denies the allegations
8 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
9 underlying allegations in Paragraph 109; to the extent any answer is required, HML denies the
10 allegations therein.

11 110. If accurately quoted, which HML lacks sufficient knowledge or information to
12 confirm or deny, the document quoted in Paragraph 110 of the Complaint speaks for itself and no
13 further response is required; to the extent that any answer is required, HML denies the allegations
14 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
15 underlying allegations in Paragraph 110; to the extent any answer is required, HML denies the
16 allegations therein.

17 111. If accurately quoted, which HML lacks sufficient knowledge or information to
18 confirm or deny, the document quoted in Paragraph 111 of the Complaint speaks for itself and no
19 further response is required; to the extent any answer is required, HML denies the allegations
20 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
21 underlying allegations in Paragraph 111; to the extent any answer is required, HML denies the
22 allegations therein.

23 112. HML denies the allegations in Paragraph 112 of the Complaint to the extent they state
24 allegations against HML. HML lacks sufficient knowledge or information to form a belief as to the
25 truth of the remaining allegations in Paragraph 112; to the extent any answer is required, HML
26 denies the allegations therein. HML specifically denies that it participated in any “collusive
27 meetings” as alleged in Paragraph 112.

1 113. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 113 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML further
4 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
5 underlying allegations in Paragraph 113; to the extent any answer is required, HML denies the
6 allegations therein.

7 114. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document quoted in Paragraph 114 of the Complaint speaks for itself and no further response is
9 required; to the extent that any answer is required, HML denies the allegations therein. HML further
10 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
11 underlying allegations in Paragraph 114; to the extent any answer is required, HML denies the
12 allegations therein.

13 115. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
14 document quoted in Paragraph 115 of the Complaint speaks for itself and no further response is
15 required; to the extent that any answer is required, HML denies the allegations therein. HML further
16 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
17 underlying allegations in Paragraph 115; to the extent any answer is required, HML denies the
18 allegations therein.

19 116. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 116 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML further
22 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
23 underlying allegations in Paragraph 116; to the extent any answer is required, HML denies the
24 allegations therein.

25 117. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
26 document quoted in Paragraph 117 of the Complaint speaks for itself and no further response is
27 required; to the extent that any answer is required, HML denies the allegations therein. HML further
28

1 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
2 underlying allegations in Paragraph 117; to the extent any answer is required, HML denies the
3 allegations therein. HML specifically denies that it participated in any meetings in furtherance of
4 any purported conspiracy or entered into any improper agreement with competitors.

5 118. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
6 document quoted in Paragraph 118 of the Complaint speaks for itself and no further response is
7 required; to the extent that any answer is required, HML denies the allegations therein. HML further
8 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
9 underlying allegations in Paragraph 118; to the extent any answer is required, HML denies the
10 allegations therein. HML specifically denies that it participated in any meetings in furtherance of
11 any purported conspiracy.

12 119. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
13 document quoted in Paragraph 119 of the Complaint speaks for itself and no further response is
14 required; to the extent that any answer is required, HML denies the allegations therein. HML further
15 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
16 underlying allegations in Paragraph 119; to the extent any answer is required, HML denies the
17 allegations therein. HML specifically denies that it participated in any meetings in furtherance of
18 any purported conspiracy.

19 120. HML lacks knowledge or information sufficient to form a belief as to the truth of the
20 underlying allegations in Paragraph 120; to the extent any answer is required, HML denies the
21 allegations therein.

22 121. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 121 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein. HML further
25 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
26 underlying allegations in Paragraph 121; to the extent any answer is required, HML denies the
27 allegations therein.

1 122. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 122 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML further
4 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
5 underlying allegations in Paragraph 122; to the extent any answer is required, HML denies the
6 allegations therein.

7 123. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document quoted in Paragraph 123 of the Complaint speaks for itself and no further response is
9 required; to the extent that any answer is required, HML denies the allegations therein. HML further
10 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
11 underlying allegations in Paragraph 123; to the extent any answer is required, HML denies the
12 allegations therein.

13 124. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
14 document quoted in Paragraph 124 of the Complaint speaks for itself and no further response is
15 required; to the extent that any answer is required, HML denies the allegations therein. HML further
16 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
17 underlying allegations in Paragraph 124; to the extent any answer is required, HML denies the
18 allegations therein.

19 125. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 125 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML further
22 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
23 underlying allegations in Paragraph 125; to the extent any answer is required, HML denies the
24 allegations therein.

25 126. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
26 document quoted in Paragraph 126 of the Complaint speaks for itself and no further response is
27 required; to the extent that any answer is required, HML denies the allegations therein. HML further
28

1 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
2 underlying allegations in Paragraph 126; to the extent any answer is required, HML denies the
3 allegations therein.

4 127. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 127 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML further
7 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
8 underlying allegations in Paragraph 127; to the extent any answer is required, HML denies the
9 allegations therein.

10 128. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
11 document quoted in Paragraph 128 of the Complaint speaks for itself and no further response is
12 required; to the extent that any answer is required, HML denies the allegations therein. HML further
13 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
14 underlying allegations in Paragraph 128; to the extent any answer is required, HML denies the
15 allegations therein.

16 129. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 129 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML further
19 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
20 underlying allegations in Paragraph 129; to the extent any answer is required, HML denies the
21 allegations therein.

22 130. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 130 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein. HML further
25 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
26 underlying allegations in Paragraph 130; to the extent any answer is required, HML denies the
27 allegations therein.

1 131. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 131 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML further
4 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
5 underlying allegations in Paragraph 131; to the extent any answer is required, HML denies the
6 allegations therein. HML specifically denies that it participated in any meetings in furtherance of
7 any purported conspiracy.

8 132. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
9 document quoted in Paragraph 132 of the Complaint speaks for itself and no further response is
10 required; to the extent that any answer is required, HML denies the allegations therein. HML further
11 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
12 underlying allegations in Paragraph 132; to the extent any answer is required, HML denies the
13 allegations therein.

14 133. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
15 document quoted in Paragraph 133 of the Complaint speaks for itself and no further response is
16 required; to the extent that any answer is required, HML denies the allegations therein. HML further
17 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
18 underlying allegations in Paragraph 133; to the extent any answer is required, HML denies the
19 allegations therein.

20 134. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
21 document quoted in Paragraph 134 of the Complaint speaks for itself and no further response is
22 required; to the extent that any answer is required, HML denies the allegations therein. HML further
23 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
24 underlying allegations in Paragraph 134; to the extent any answer is required, HML denies the
25 allegations therein.

26 135. HML denies the allegations in the first sentence of Paragraph 135 of the Complaint to
27 the extent they state allegations against HML. HML states that if quoted accurately, the document
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1 quoted in the remainder of Paragraph 135 of the Complaint speaks for itself and no further response
2 is required; to the extent that any answer is required, HML denies the allegations therein. HML
3 further states that it lacks knowledge or information sufficient to form a belief as to the truth of the
4 underlying allegations in Paragraph 135; to the extent any response is required, HML denies the
5 allegations therein. HML specifically denies that it attended any “collusive meetings.”

6 136. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
7 document quoted in Paragraph 136 of the Complaint speaks for itself and no further response is
8 required; to the extent that any answer is required, HML denies the allegations therein. HML further
9 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
10 underlying allegations in Paragraph 136; to the extent any answer is required, HML denies the
11 allegations therein.

12 137. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
13 document quoted in Paragraph 137 of the Complaint speaks for itself and no further response is
14 required; to the extent that any answer is required, HML denies the allegations therein. HML further
15 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
16 underlying allegations in Paragraph 137; to the extent any answer is required, HML denies the
17 allegations therein.

18 138. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
19 document quoted in Paragraph 138 of the Complaint speaks for itself and no further response is
20 required; to the extent that any answer is required, HML denies the allegations therein. HML further
21 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
22 underlying allegations in Paragraph 138; to the extent any answer is required, HML denies the
23 allegations therein.

24 139. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
25 document quoted in Paragraph 139 of the Complaint speaks for itself and no further response is
26 required; to the extent that any answer is required, HML denies the allegations therein. HML further
27 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
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1 underlying allegations in Paragraph 139; to the extent any answer is required, HML denies the
2 allegations therein.

3 140. HML lacks knowledge or information sufficient to form a belief as to the truth of the
4 allegations in Paragraph 140 of the Complaint; to the extent any answer is required, HML denies the
5 allegations therein. HML specifically denies that it participated in any meetings in furtherance of
6 any purported conspiracy.

7 141. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document quoted in Paragraph 141 of the Complaint speaks for itself and no further response is
9 required; to the extent that any answer is required, HML denies the allegations therein. HML further
10 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
11 underlying allegations in Paragraph 141; to the extent any answer is required, HML denies the
12 allegations therein.

13 142. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
14 document quoted in Paragraph 142 of the Complaint speaks for itself and no further response is
15 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
16 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
17 Paragraph 142; to the extent any answer is required, HML denies the allegations therein.

18 143. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
19 document quoted in Paragraph 143 of the Complaint speaks for itself and no further response is
20 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
21 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
22 Paragraph 143; to the extent any answer is required, HML denies the allegations therein.

23 144. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
24 document quoted in Paragraph 144 of the Complaint speaks for itself and no further response is
25 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
26 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
27

1 Paragraph 144; to the extent any answer is required, HML denies the allegations therein. HML
2 specifically denies that it participated in any meetings in furtherance of any alleged “conspiracy.”

3 145. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 145 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
6 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
7 Paragraph 145; to the extent any answer is required, HML denies the allegations therein.

8 146. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
9 document quoted in Paragraph 146 of the Complaint speaks for itself and no further response is
10 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
11 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
12 Paragraph 146; to the extent any answer is required, HML denies the allegations therein.

13 147. HML lacks knowledge or information sufficient to form a belief as to the truth of the
14 allegations in Paragraph 147 of the Complaint; to the extent any answer is required, HML denies the
15 allegations therein.

16 148. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 148 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 148; to the extent any answer is required, HML denies the allegations therein.

21 149. HML lacks knowledge or information sufficient to form a belief as to the truth of the
22 allegations in Paragraph 149 of the Complaint; to the extent any answer is required, HML denies the
23 allegations therein.

24 150. HML lacks knowledge or information sufficient to form a belief as to the truth of the
25 allegations in Paragraph 150 of the Complaint; to the extent any answer is required, HML denies the
26 allegations therein. HML specifically denies that it participated in any meetings in furtherance of
27 any purported conspiracy.

1 151. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 151 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 151; to the extent any answer is required, HML denies the allegations therein.

6 152. HML lacks knowledge or information sufficient to form a belief as to the truth of the
7 allegations in Paragraph 152 of the Complaint; to the extent any answer is required, HML denies the
8 allegations therein.

9 153. HML lacks knowledge or information sufficient to form a belief as to the truth of the
10 allegations in Paragraph 153 of the Complaint; to the extent any answer is required, HML denies the
11 allegations therein.

12 154. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
13 document quoted in Paragraph 154 of the Complaint speaks for itself and no further response is
14 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
15 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
16 Paragraph 154; to the extent any answer is required, HML denies the allegations therein.

17 155. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document quoted in Paragraph 155 of the Complaint speaks for itself and no further response is
19 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
20 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
21 Paragraph 155 of the Complaint; to the extent any answer is required, HML denies the allegations
22 therein. HML specifically denies that it participated in any meetings in furtherance of any purported
23 conspiracy or that it entered into any improper agreement with competitors.

24 156. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
25 document quoted in Paragraph 156 of the Complaint speaks for itself and no further response is
26 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
27

1 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
2 Paragraph 156; to the extent any answer is required, HML denies the allegations therein.

3 157. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 157 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
6 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
7 Paragraph 157; to the extent any answer is required, HML denies the allegations therein.

8 158. HML lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations in Paragraph 158 of the Complaint; to the extent any answer is required, HML denies the
10 allegations therein.

11 159. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 159 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 159; to the extent any answer is required, HML denies the allegations therein.

16 160. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 160 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 160; to the extent any answer is required, HML denies the allegations therein.

21 161. If accurately described, which HML lacks sufficient information to confirm or deny,
22 the document referenced in Paragraph 161 of the Complaint speaks for itself and no further response
23 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 161; to the extent any answer is required, HML denies the allegations therein.

26 162. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 162 of the Complaint speaks for itself and no further response is
28

1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 162; to the extent any answer is required, HML denies the allegations therein.

4 163. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 163 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 163; to the extent any answer is required, HML denies the allegations therein.

9 164. HML lacks knowledge or information sufficient to form a belief as to the truth of the
10 allegations in Paragraph 164 of the Complaint; to the extent any answer is required, HML denies the
11 allegations therein.

12 165. HML lacks knowledge or information sufficient to form a belief as to the truth of the
13 allegations in Paragraph 165 of the Complaint; to the extent any answer is required, HML denies the
14 allegations therein.

15 166. HML lacks knowledge or information sufficient to form a belief as to the truth of the
16 allegations in Paragraph 166 of the Complaint; to the extent any answer is required, HML denies the
17 allegations therein.

18 167. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
19 document quoted in Paragraph 167 of the Complaint speaks for itself and no further response is
20 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
21 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
22 Paragraph 167; to the extent any answer is required, HML denies the allegations therein.

23 168. HML lacks knowledge or information sufficient to form a belief as to the truth of the
24 allegations in Paragraph 168 of the Complaint; to the extent any answer is required, HML denies the
25 allegations therein.

1 169. HML lacks knowledge or information sufficient to form a belief as to the truth of the
2 allegations in Paragraph 169 of the Complaint; to the extent any answer is required, HML denies the
3 allegations therein.

4 170. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 170 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 170; to the extent any answer is required, HML denies the allegations therein.

9 171. HML lacks knowledge or information sufficient to form a belief as to the truth of the
10 allegations in Paragraph 171 of the Complaint; to the extent any answer is required, HML denies the
11 allegations therein.

12 172. HML lacks knowledge or information sufficient to form a belief as to the truth of the
13 allegations in Paragraph 172 of the Complaint; to the extent any answer is required, HML denies the
14 allegations therein.

15 173. HML lacks knowledge or information sufficient to form a belief as to the truth of the
16 allegations in Paragraph 173 of the Complaint; to the extent any answer is required, HML denies the
17 allegations therein.

18 174. HML lacks knowledge or information sufficient to form a belief as to the truth of the
19 allegations in Paragraph 174 of the Complaint; to the extent any answer is required, HML denies the
20 allegations therein.

21 175. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 175 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 175; to the extent any answer is required, HML denies the allegations therein.

26 176. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 176 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 176; to the extent any answer is required, HML denies the allegations therein.

4 177. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 177 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 177; to the extent any answer is required, HML denies the allegations therein.

9 178. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
10 document quoted in Paragraph 178 of the Complaint speaks for itself and no further response is
11 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 178; to the extent any answer is required, HML denies the allegations therein.

14 179. HML lacks knowledge or information sufficient to form a belief as to the truth of the
15 allegations in Paragraph 179 of the Complaint; to the extent any answer is required, HML denies the
16 allegations therein.

17 180. If accurately quoted, which HML lacks knowledge or information sufficient to
18 confirm or deny, the document quoted in Paragraph 180 of the Complaint speaks for itself and no
19 further response is required; to the extent that any answer is required, HML denies the allegations
20 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
21 underlying allegations in Paragraph 180; to the extent any answer is required, HML denies the
22 allegations therein.

23 181. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
24 document quoted in Paragraph 181 of the Complaint speaks for itself and no further response is
25 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
26 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
27 Paragraph 181; to the extent any answer is required, HML denies the allegations therein.

1 182. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 182 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 182; to the extent any answer is required, HML denies the allegations therein.

6 183. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
7 document quoted in Paragraph 183 of the Complaint speaks for itself and no further response is
8 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
9 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
10 Paragraph 183; to the extent any answer is required, HML denies the allegations therein.

11 184. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 184 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 184; to the extent any answer is required, HML denies the allegations therein.

16 185. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 185 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 185; to the extent any answer is required, HML denies the allegations therein.

21 186. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 186 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 186; to the extent any answer is required, HML denies the allegations therein.

26 187. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 187 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 187; to the extent any answer is required, HML denies the allegations therein.

4 188. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 188 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 188; to the extent any answer is required, HML denies the allegations therein.

9 189. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
10 document quoted in Paragraph 189 of the Complaint speaks for itself and no further response is
11 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 189; to the extent any answer is required, HML denies the allegations therein.

14 190. HML lacks knowledge or information sufficient to form a belief as to the truth of the
15 allegations in Paragraph 190 of the Complaint; to the extent any answer is required, HML denies the
16 allegations therein.

17 191. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document quoted in Paragraph 191 of the Complaint speaks for itself and no further response is
19 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
20 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
21 Paragraph 191; to the extent any answer is required, HML denies the allegations therein.

22 192. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 192 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
25 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
26 Paragraph 192; to the extent any answer is required, HML denies the allegations therein.

1 193. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 193 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 193; to the extent any answer is required, HML denies the allegations therein.

6 194. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
7 document quoted in Paragraph 194 of the Complaint speaks for itself and no further response is
8 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
9 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
10 Paragraph 194; to the extent any answer is required, HML denies the allegations therein.

11 195. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 195 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 195; to the extent any answer is required, HML denies the allegations therein.

16 196. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 196 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 196; to the extent any answer is required, HML denies the allegations therein.

21 197. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 197 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 197; to the extent any answer is required, HML denies the allegations therein.

26 198. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 198 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 198; to the extent any answer is required, HML denies the allegations therein.

4 199. If accurately described, which HML lacks sufficient information to confirm or deny,
5 the document referenced in Paragraph 199 of the Complaint speaks for itself and no further response
6 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 199; to the extent any answer is required, HML denies the allegations therein.

9 200. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
10 document quoted in Paragraph 200 of the Complaint speaks for itself and no further response is
11 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 200; to the extent any answer is required, HML denies the allegations therein.

14 201. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
15 document quoted in Paragraph 201 of the Complaint speaks for itself and no further response is
16 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
17 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
18 Paragraph 201; to the extent any answer is required, HML denies the allegations therein.

19 202. HML lacks knowledge or information sufficient to form a belief as to the truth of the
20 allegations in Paragraph 202 of the Complaint; to the extent any answer is required, HML denies the
21 allegations therein.

22 203. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 203 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
25 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
26 Paragraph 203; to the extent any answer is required, HML denies the allegations therein.

1 204. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 204 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 204; to the extent any answer is required, HML denies the allegations therein.

6 205. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
7 document quoted in Paragraph 205 of the Complaint speaks for itself and no further response is
8 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
9 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
10 Paragraph 205; to the extent any answer is required, HML denies the allegations therein.

11 206. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 206 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 206; to the extent any answer is required, HML denies the allegations therein.

16 207. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 207 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 207; to the extent any answer is required, HML denies the allegations therein.

21 208. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 208 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 208; to the extent any answer is required, HML denies the allegations therein.

26 209. If accurately described, which HML lacks sufficient information to confirm or deny,
27 the document referenced in Paragraph 209 of the Complaint speaks for itself and no further response
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1 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 209; to the extent any answer is required, HML denies the allegations therein.

4 210. If accurately described, which HML lacks sufficient information to confirm or deny,
5 the document referenced in Paragraph 210 of the Complaint speaks for itself and no further response
6 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 210; to the extent any answer is required, HML denies the allegations therein.

9 211. If accurately described, which HML lacks sufficient information to confirm or deny,
10 the document referenced in Paragraph 211 of the Complaint speaks for itself and no further response
11 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 211; to the extent any answer is required, HML denies the allegations therein.

14 212. If accurately described, which HML lacks sufficient information to confirm or deny,
15 the document referenced in Paragraph 212 of the Complaint speaks for itself and no further response
16 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
17 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
18 Paragraph 212; to the extent any answer is required, HML denies the allegations therein.

19 213. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 213 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
22 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
23 Paragraph 213; to the extent any answer is required, HML denies the allegations therein.

24 214. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
25 document quoted in Paragraph 214 of the Complaint speaks for itself and no further response is
26 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
27

1 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
2 Paragraph 214; to the extent any answer is required, HML denies the allegations therein.

3 215. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 215 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
6 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
7 Paragraph 215; to the extent any answer is required, HML denies the allegations therein.

8 216. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
9 document quoted in Paragraph 216 of the Complaint speaks for itself and no further response is
10 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
11 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
12 Paragraph 216; to the extent any answer is required, HML denies the allegations therein.

13 217. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
14 document quoted in Paragraph 217 of the Complaint speaks for itself and no further response is
15 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
16 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
17 Paragraph 217; to the extent any answer is required, HML denies the allegations therein.

18 218. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
19 document quoted in Paragraph 218 of the Complaint speaks for itself and no further response is
20 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
21 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
22 Paragraph 218; to the extent any answer is required, HML denies the allegations therein.

23 219. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
24 document quoted in Paragraph 219 of the Complaint speaks for itself and no further response is
25 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
26 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
27 Paragraph 219; to the extent any answer is required, HML denies the allegations therein.

1 220. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 220 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 220; to the extent any answer is required, HML denies the allegations therein.

6 221. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
7 document quoted in Paragraph 221 of the Complaint speaks for itself and no further response is
8 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
9 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
10 Paragraph 221; to the extent any answer is required, HML denies the allegations therein.

11 222. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 222 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 222; to the extent any answer is required, HML denies the allegations therein.

16 223. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 223 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 223; to the extent any answer is required, HML denies the allegations therein.

21 224. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 224 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 224; to the extent any answer is required, HML denies the allegations therein.

26 225. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 225 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 225; to the extent any answer is required, HML denies the allegations therein.

4 226. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 226 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 226; to the extent any answer is required, HML denies the allegations therein.

9 227. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
10 document quoted in Paragraph 227 of the Complaint speaks for itself and no further response is
11 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 227; to the extent any answer is required, HML denies the allegations therein.

14 **B. “The U.S. Subsidiaries Directly Participated in the Conspiracy”**

15 228. HML denies the allegations in Paragraph 228 of the Complaint to the extent they state
16 allegations against HML. HML lacks knowledge or information sufficient to form a belief as to the
17 truth of the remaining allegations in Paragraph 228; to the extent any answer is required, HML
18 denies the allegations therein. HML specifically denies that HML or any of its affiliates participated
19 in any purported “collusion.”

20 229. HML denies the allegations in Paragraph 229 of the Complaint to the extent they state
21 allegations against HML. HML lacks sufficient knowledge or information to form an opinion as to
22 the truth of the remaining allegations in Paragraph 229; to the extent any answer is required, HML
23 denies the allegations therein. HML specifically denies that any “foreign executives” assigned to
24 work at HML “engaged in collusive conduct” or “had actual and apparent authority over pricing
25 decisions carried out through” HML.

26 230. HML denies the allegations in Paragraph 230 of the Complaint to the extent they state
27 allegations against HML and/or any of its subsidiaries. HML lacks sufficient knowledge or
28

1 information to form an opinion as to the truth of the remaining allegations in Paragraph 230; to the
2 extent any answer is required, HML denies the allegations therein. HML specifically denies that
3 HML, any of its affiliates, or any “foreign executives” assigned to HML engaged in any conduct to
4 “ensure adherence” to any purported “conspiratorial understanding.”

5 231. HML denies the allegations in Paragraph 231 of the Complaint to the extent they state
6 allegations against HML. HML lacks sufficient knowledge or information to form an opinion as to
7 the truth of the remaining allegations in Paragraph 231; to the extent any answer is required, HML
8 denies the allegations therein. HML specifically denies that HML or any “foreign executives”
9 assigned to HML participated in any purported conspiracy, either alone or at the direction of any of
10 HML affiliates.

11 232. HML denies the allegations in Paragraph 232 of the Complaint to the extent they state
12 allegations against HML. HML lacks sufficient knowledge or information to form an opinion as to
13 the truth of the remaining allegations in Paragraph 232; to the extent any answer is required, HML
14 denies the allegations therein. HML specifically denies that HML or any “foreign executive”
15 assigned to HML participated in any purported conspiracy, either alone or at the direction of any of
16 HML’s affiliates.

17 **1. “LGCAI’s Participation in the Conspiracy”**

18 **a. “LGCAI’s Direct Communications Regarding the Conspiracy”**

19 233. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 233 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
22 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
23 Paragraph 233; to the extent any answer is required, HML denies the allegations therein.

24 234. If accurately described, which HML lacks sufficient information to confirm or deny,
25 the document referenced in Paragraph 234 of the Complaint speaks for itself and no further response
26 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
27

1 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
2 Paragraph 234; to the extent any answer is required, HML denies the allegations therein.

3 235. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document referenced in Paragraph 235 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
6 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
7 Paragraph 235; to the extent any answer is required, HML denies the allegations therein.

8 236. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
9 document quoted in Paragraph 236 of the Complaint speaks for itself and no further response is
10 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
11 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
12 Paragraph 236; to the extent any answer is required, HML denies the allegations therein.

13 237. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
14 document quoted in Paragraph 237 of the Complaint speaks for itself and no further response is
15 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
16 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
17 Paragraph 237; to the extent any answer is required, HML denies the allegations therein.

18 238. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
19 document quoted in Paragraph 238 of the Complaint speaks for itself and no further response is
20 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
21 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
22 Paragraph 238; to the extent any answer is required, HML denies the allegations therein.

23 239. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
24 document quoted in Paragraph 239 of the Complaint speaks for itself and no further response is
25 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
26 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
27 Paragraph 239; to the extent any answer is required, HML denies the allegations therein.

1 240. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 240 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 240; to the extent any answer is required, HML denies the allegations therein.

6 241. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
7 document quoted in Paragraph 241 of the Complaint speaks for itself and no further response is
8 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
9 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
10 Paragraph 241; to the extent any answer is required, HML denies the allegations therein.

11 242. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 242 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 242; to the extent any answer is required, HML denies the allegations therein.

16 243. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 243 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 243; to the extent any answer is required, HML denies the allegations therein.

21 244. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 244 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 244; to the extent any answer is required, HML denies the allegations therein.

26 245. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 245 of the Complaint speaks for itself and no further response is
28

1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 245; to the extent any answer is required, HML denies the allegations therein.

4 246. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 246 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 246; to the extent any answer is required, HML denies the allegations therein.

9 **b. “LGCAI Employed Foreign Executives Who Participated in**
10 **Conspiratorial Conduct”**

11 247. HML lacks knowledge or information sufficient to form a belief as to the truth of the
12 underlying allegations in Paragraph 247; to the extent any answer is required, HML denies the
13 allegations therein.

14 **c. “LG Chem Directed LGCAI’s Pricing and Supply Decisions”**

15 248. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
16 document quoted in Paragraph 248 of the Complaint speaks for itself and no further response is
17 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
18 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
19 Paragraph 248; to the extent any answer is required, HML denies the allegations therein.

20 249. HML lacks sufficient knowledge or information to form a belief as to the truth of the
21 allegations contained in Paragraph 249 of the Complaint; to the extent any answer is required, HML
22 denies the allegations therein.

23 250. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
24 document referenced in Paragraph 250 of the Complaint speaks for itself and no further response is
25 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
26 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
27 Paragraph 250; to the extent any answer is required, HML denies the allegations therein.

1 **2. “SDIA’s Participation in the Conspiracy”**

2 **a. “SDIA’s Direct Communications Regarding the Conspiracy”**

3 251. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 251 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
6 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
7 Paragraph 251; to the extent any answer is required, HML denies the allegations therein.

8 **b. “SDIA Employed Foreign Executives Who Participated in**
9 **Conspiratorial Conduct”**

10 252. HML lacks knowledge or information sufficient to form a belief as to the truth of the
11 underlying allegations in Paragraph 252; to the extent any answer is required, HML denies the
12 allegations therein.

13 **c. “SDI Directed SDIA’s Pricing and Supply Decisions”**

14 253. HML lacks sufficient knowledge or information to form a belief as to the truth of the
15 allegations contained in Paragraph 253 of the Complaint; to the extent any answer is required, HML
16 denies the allegations therein.

17 254. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document quoted in Paragraph 254 of the Complaint speaks for itself and no further response is
19 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
20 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
21 Paragraph 254; to the extent any answer is required, HML denies the allegations therein.

22 **3. “Sanyo North America’s Participation in the Conspiracy”**

23 **a. “Sanyo North America’s Direct Communications Regarding the**
24 **Conspiracy”**

25 255. If accurately described, which HML lacks sufficient information to confirm or deny,
26 the document referenced in Paragraph 255 of the Complaint speaks for itself and no further response
27 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
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1 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
2 Paragraph 255; to the extent any answer is required, HML denies the allegations therein.

3 256. If accurately described, which HML lacks sufficient information to confirm or deny,
4 the document referenced in Paragraph 256 of the Complaint speaks for itself and no further response
5 is required; to the extent that any answer is required, HML denies the allegations therein. HML
6 lacks knowledge or information sufficient to form a belief as to the truth of the underlying
7 allegations in Paragraph 256; to the extent any answer is required, HML denies the allegations
8 therein.

9 257. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
10 document quoted in Paragraph 257 of the Complaint speaks for itself and no further response is
11 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 257; to the extent any answer is required, HML denies the allegations therein.

14 258. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
15 document quoted in Paragraph 258 of the Complaint speaks for itself and no further response is
16 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
17 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
18 Paragraph 258; to the extent any answer is required, HML denies the allegations therein.

19 259. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 259 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
22 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
23 Paragraph 259; to the extent any answer is required, HML denies the allegations therein.

24 260. If accurately described, which HML lacks sufficient information to confirm or deny,
25 the document referenced in Paragraph 260 of the Complaint speaks for itself and no further response
26 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
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1 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
2 Paragraph 260; to the extent any answer is required, HML denies the allegations therein.

3 261. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 261 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML denies
6 the allegations in the second sentence of Paragraph 261 to the extent they state allegations against
7 HML. HML specifically denies that it participated in any meetings in furtherance of any purported
8 conspiracy or that it entered into any improper agreement with competitors.

9 262. If accurately described, which HML lacks sufficient information to confirm or deny,
10 the document referenced in Paragraph 262 of the Complaint speaks for itself and no further response
11 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 262; to the extent any answer is required, HML denies the allegations therein.

14 **b. “Sanyo North America Employed Foreign Executives Who**
15 **Participated in Conspiratorial Conduct”**

16 263. If accurately described, which HML lacks sufficient information to confirm or deny,
17 the documents referenced in Paragraph 263 of the Complaint speak for themselves and no further
18 response is required; to the extent that any answer is required, HML denies the allegations therein.
19 HML lacks knowledge or information sufficient to form a belief as to the truth of the underlying
20 allegations in Paragraph 263; to the extent any answer is required, HML denies the allegations
21 therein.

22 **c. “Sanyo Japan Directed Sanyo North America Pricing and Supply**
23 **Decisions”**

24 264. If accurately described, which HML lacks sufficient information to confirm or deny,
25 the document described in Paragraph 264 of the Complaint speaks for itself and no further response
26 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
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1 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
2 Paragraph 264; to the extent any answer is required, HML denies the allegations therein.

3 265. If accurately described, which HML lacks sufficient information to confirm or deny,
4 the document referenced in Paragraph 265 of the Complaint speaks for itself and no further response
5 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
6 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
7 Paragraph 265; to the extent any answer is required, HML denies the allegations therein.

8 266. If accurately described, which HML lacks sufficient information to confirm or deny,
9 the document referenced in Paragraph 266 of the Complaint speaks for itself and no further response
10 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
11 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
12 Paragraph 266; to the extent any answer is required, HML denies the allegations therein.

13 267. If accurately described, which HML lacks sufficient information to confirm or deny,
14 the document referenced in Paragraph 267 of the Complaint speaks for itself and no further response
15 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
16 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
17 Paragraph 267; to the extent any answer is required, HML denies the allegations therein.

18 **4. “Panasonic North America’s Participation in the Conspiracy”**

19 **a. “Panasonic North America’s Direct Communications Regarding**
20 **the Conspiracy”**

21 268. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 268 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 268; to the extent any answer is required, HML denies the allegations therein.

26 269. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 269 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 269; to the extent any answer is required, HML denies the allegations therein.

4 270. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 270 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 270; to the extent any answer is required, HML denies the allegations therein.

9 271. If accurately described, which HML lacks sufficient information to confirm or deny,
10 the document referenced in Paragraph 271 of the Complaint speaks for itself and no further response
11 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 271; to the extent any answer is required, HML denies the allegations therein.

14 272. If accurately described and quoted, which HML lacks sufficient information to
15 confirm or deny, the document referenced in Paragraph 272 of the Complaint speaks for itself and no
16 further response is required; to the extent that any answer is required, HML denies the allegations
17 therein. HML lacks knowledge or information sufficient to form a belief as to the truth of the
18 underlying allegations in Paragraph 272; to the extent any answer is required, HML denies the
19 allegations therein.

20 **b. “Panasonic Japan Directed Panasonic North America Pricing and**
21 **Supply Decisions”**

22 273. If accurately described, which HML lacks sufficient information to confirm or deny,
23 the document referenced in Paragraph 273 of the Complaint speaks for itself and no further response
24 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
25 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
26 Paragraph 273; to the extent any answer is required, HML denies the allegations therein.

1 **5. “Sony North America’s Participation in the Conspiracy”**

2 **a. “Sony North America’s Direct Communications Regarding the**
3 **Conspiracy”**

4 274. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 274 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 274; to the extent any answer is required, HML denies the allegations therein.

9 **b. “Sony North America Employed Foreign Executives Who**
10 **Participated in Conspiratorial Conduct”**

11 275. If accurately described, which HML lacks sufficient information to confirm or deny,
12 the document referenced in Paragraph 275 of the Complaint speaks for itself and no further response
13 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 275; to the extent any answer is required, HML denies the allegations therein.

16 276. HML lacks knowledge or information sufficient to form a belief as to the truth of the
17 allegations in Paragraph 276 of the Complaint; to the extent any answer is required, HML denies the
18 allegations therein.

19 277. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 277 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
22 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
23 Paragraph 277; to the extent any answer is required, HML denies the allegations therein.

24 **c. “Sony Japan Directed Sony North America Pricing and Supply**
25 **Decisions”**

26 278. If accurately described, which HML lacks sufficient information to confirm or deny,
27 the document referenced in Paragraph 278 of the Complaint speaks for itself and no further response
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1 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 278; to the extent any answer is required, HML denies the allegations therein.

4 279. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 279 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
7 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
8 Paragraph 279; to the extent any answer is required, HML denies the allegations therein.

9 280. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
10 document quoted in Paragraph 280 of the Complaint speaks for itself and no further response is
11 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
12 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
13 Paragraph 280; to the extent any answer is required, HML denies the allegations therein.

14 281. If accurately described, which HML lacks sufficient information to confirm or deny,
15 the document referenced in Paragraph 281 of the Complaint speaks for itself and no further response
16 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
17 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
18 Paragraph 281; to the extent any answer is required, HML denies the allegations therein.

19 282. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
20 document quoted in Paragraph 282 of the Complaint speaks for itself and no further response is
21 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
22 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
23 Paragraph 282; to the extent any answer is required, HML denies the allegations therein.

24 283. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
25 document quoted in Paragraph 283 of the Complaint speaks for itself and no further response is
26 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
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1 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
2 Paragraph 283; to the extent any answer is required, HML denies the allegations therein.

3 284. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 284 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
6 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
7 Paragraph 284; to the extent any answer is required, HML denies the allegations therein.

8 **6. “Maxell Corp. of America’s Participation in the Conspiracy”**

9 **a. “Maxell Corp. of America’s Direct Communications Regarding**
10 **the Conspiracy”**

11 285. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 285 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML denies
14 the underlying allegations in Paragraph 285 to the extent they state allegations against HML or any
15 of its subsidiaries. HML lacks knowledge or information sufficient to form a belief as to the truth of
16 the remaining underlying allegations in Paragraph 285; to the extent any answer is required, HML
17 denies the allegations therein. HML specifically denies engaging in any improper communications
18 with competitors.

19 286. If accurately described, which HML lacks sufficient information to confirm or deny,
20 the document described in Paragraph 286 of the Complaint speaks for itself and no further response
21 is required; to the extent that any answer is required, HML denies the allegations therein. HML
22 denies the underlying allegations in Paragraph 286 to the extent they state allegations against HML
23 or any of its subsidiaries. HML lacks knowledge or information sufficient to form a belief as to the
24 truth of the remaining underlying allegations in Paragraph 286; to the extent any answer is required,
25 HML denies the allegations therein. HML specifically denies engaging in any improper
26 communications with competitors.

1 287. HML denies the allegations in Paragraph 287 of the Complaint to the extent they state
2 allegations against HML. HML lacks knowledge or information sufficient to form a belief as to the
3 remaining allegations in Paragraph 287; to the extent any answer is required, HML denies the
4 allegations therein. HML specifically denies that it engaged in any improper communications with
5 competitors, and further specifically denies that it exchanged improperly obtained information with
6 any of its affiliates.

7 **b. “Hitachi Maxell, Ltd. Directed Maxell Corp. of America’s Pricing**
8 **and Supply Decisions”**

9 288. HML denies the allegations in the first sentence of Paragraph 288 of the Complaint.
10 HML further states that, if accurately quoted and described, which HML lacks sufficient information
11 to confirm or deny, the document quoted and described in the second and third sentences of
12 Paragraph 288 speaks for itself and no further response is required; to the extent any answer is
13 required, HML denies the allegations therein.

14 **C. “The Defendants’ Pricing and Production Levels in Response to the Global**
15 **Economic Crisis in 2008 Further Supports the Existence of the Conspiracy”**

16 289. HML denies the allegations in Paragraph 289 of the Complaint to the extent they state
17 allegations against HML. HML states that it lacks knowledge or information sufficient to form a
18 belief as to the truth of the remaining allegations in Paragraph 289 of the Complaint, which consist
19 of statements of economic theory that are best suited to expert opinion; to the extent any answer is
20 required, HML denies the allegations therein. HML specifically denies being a member of a cartel.

21 290. HML states that it lacks knowledge or information sufficient to form a belief as to the
22 truth of the allegations in Paragraph 290 of the Complaint, which consist of statements of economic
23 theory that are best suited to expert opinion; to the extent any answer is required, HML denies the
24 allegations therein.

25 291. HML states that it lacks knowledge or information sufficient to form a belief as to the
26 truth of the allegations in Paragraph 291 of the Complaint, which consist of statements of economic
27 theory that are best suited to expert opinion; to the extent any answer is required, HML denies the
28 allegations therein.

292. HML states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 292 of the Complaint, which consist of statements of economic theory that are best suited to expert opinion; to the extent any answer is required, HML denies the allegations therein.

D. “The Structure and Characteristics of the Lithium Ion Battery Market Plausibly Support the Alleged Conspiracy”

293. HML states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 293 of the Complaint, which consist of statements of economic theory that are best suited to expert opinion; to the extent any answer is required, HML denies the allegations therein.

1. “The Lithium Ion Batteries Market Has High Barriers to Entry”

294. HML states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 294 of the Complaint, which consist of statements of economic theory that are best suited to expert opinion; to the extent any answer is required, HML denies the allegations therein.

295. HML states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 295 of the Complaint, which consist of statements of economic theory that are best suited to expert opinion; to the extent any answer is required, HML denies the allegations therein.

296. HML states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 296 of the Complaint, which consist of statements of economic theory that are best suited to expert opinion; to the extent any answer is required, HML denies the allegations therein.

297. HML states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 297 of the Complaint, which consist of statements of economic theory that are best suited to expert opinion; to the extent any answer is required, HML denies the allegations therein.

1 298. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 298 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML further
4 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
5 underlying allegations in Paragraph 298, which consist of statements of economic theory that are
6 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
7 therein.

8 299. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
9 document quoted in Paragraph 299 of the Complaint speaks for itself and no further response is
10 required; to the extent that any answer is required, HML denies the allegations therein. HML further
11 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
12 underlying allegations in Paragraph 299, which consist of statements of economic theory that are
13 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
14 therein.

15 300. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
16 document quoted in Paragraph 300 of the Complaint speaks for itself and no further response is
17 required; to the extent that any answer is required, HML denies the allegations therein. HML further
18 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
19 underlying allegations in Paragraph 300, which consist of statements of economic theory that are
20 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
21 therein.

22 301. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 301 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein. HML further
25 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
26 underlying allegations in Paragraph 301, which consist of statements of economic theory that are
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1 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
2 therein.

3 302. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
4 document quoted in Paragraph 302 of the Complaint speaks for itself and no further response is
5 required; to the extent that any answer is required, HML denies the allegations therein. HML further
6 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
7 underlying allegations in Paragraph 302, which consist of statements of economic theory that are
8 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
9 therein.

10 303. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
11 document quoted in Paragraph 303 of the Complaint speaks for itself and no further response is
12 required; to the extent that any answer is required, HML denies the allegations therein. HML further
13 states that it lacks knowledge or information sufficient to form a belief as to the truth of the
14 underlying allegations in Paragraph 303, which consist of statements of economic theory that are
15 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
16 therein.

17 304. HML states that it lacks knowledge or information sufficient to form a belief as to the
18 truth of the underlying allegations in Paragraph 304, which consist of statements of economic theory
19 that are best suited to expert opinion; to the extent any answer is required, HML denies the
20 allegations therein.

21 305. HML states that it lacks knowledge or information sufficient to form a belief as to the
22 truth of the underlying allegations in Paragraph 305, which consist of statements of economic theory
23 that are best suited to expert opinion; to the extent any answer is required, HML denies the
24 allegations therein.

25 306. HML states that it lacks knowledge or information sufficient to form a belief as to the
26 truth of the underlying allegations in Paragraph 306, which consist of statements of economic theory
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1 that are best suited to expert opinion; to the extent any answer is required, HML denies the
2 allegations therein.

3 307. HML states that it lacks knowledge or information sufficient to form a belief as to the
4 truth of the underlying allegations in Paragraph 307, which consist of statements of economic theory
5 that are best suited to expert opinion; to the extent any answer is required, HML denies the
6 allegations therein.

7 **2. “The Demand For Lithium Ion Batteries Is Inelastic”**

8 308. HML states that it lacks knowledge or information sufficient to form a belief as to the
9 truth of the allegations in Paragraph 308, which consist of economic theory that is best suited to
10 expert opinion; to the extent any answer is required, HML denies the allegations therein.

11 309. HML states that it lacks knowledge or information sufficient to form a belief as to the
12 truth of the allegations in Paragraph 309, which consist of statements of economic theory that are
13 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
14 therein.

15 310. HML states that it lacks knowledge or information sufficient to form a belief as to the
16 truth of the allegations in Paragraph 310, which consist of statements of economic theory that are
17 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
18 therein.

19 **3. “The Market For Lithium Ion Batteries Is Highly Concentrated”**

20 311. HML states that it lacks knowledge or information sufficient to form a belief as to the
21 truth of the allegations in Paragraph 311, which consist of statements of economic theory that are
22 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
23 therein.

24 312. HML states that it lacks knowledge or information sufficient to form a belief as to the
25 truth of the allegations in Paragraph 312, which consist of statements of economic theory that are
26 best suited to expert opinion; to the extent any answer is required, HML denies the allegations
27 therein.

1 313. If accurately described, which HML lacks sufficient information to confirm or deny,
2 the document referenced in Paragraph 313 of the Complaint speaks for itself and no further response
3 is required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 313, which consist of statements of economic theory that are best suited to an expert
6 opinion; to the extent any answer is required, HML denies the allegations therein.

7 314. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document quoted in Paragraph 314 of the Complaint speaks for itself and no further response is
9 required; to the extent that any answer is required, HML denies the allegations therein. HML denies
10 the underlying allegations in Paragraph 314 to the extent they state allegations against HML or any
11 of its subsidiaries. HML lacks knowledge or information sufficient to form a belief as to the truth of
12 the remaining underlying allegations in Paragraph 314, which consist of statements of economic
13 theory that are best suited to an expert opinion; to the extent any answer is required, HML denies the
14 allegations therein.

15 **4. “Trade Associations, Industry Conferences and Other Common Forums**
16 **Available to Facilitate Collusion”**

17 315. HML admits the allegations in Paragraph 315 of the Complaint that it is a member of
18 organizations related to its business, and lacks knowledge or information sufficient to form a belief
19 as to the truth of the remaining allegations in Paragraph 315; to the extent any answer is required,
20 HML denies the allegations therein. HML specifically denies that it participated in any “collusive
21 activity.”

22 **a. “Battery Association of Japan”**

23 316. HML states that it lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations in Paragraph 316 of the Complaint; to the extent any answer is required,
25 HML denies the allegations therein.
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1 317. HML states that it lacks knowledge or information sufficient to form a belief as to the
2 truth of the allegations in Paragraph 317 of the Complaint; to the extent any answer is required,
3 HML denies the allegations therein.

4 318. HML states that it lacks knowledge or information sufficient to form a belief as to the
5 truth of the allegations in Paragraph 318 of the Complaint; to the extent any answer is required,
6 HML denies the allegations therein.

7 319. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document quoted in Paragraph 319 of the Complaint speaks for itself and no further response is
9 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
10 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
11 Paragraph 319; to the extent any answer is required, HML denies the allegations therein.

12 320. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
13 document quoted in Paragraph 320 of the Complaint speaks for itself and no further response is
14 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
15 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
16 Paragraph 320; to the extent any answer is required, HML denies the allegations therein.

17 321. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document quoted in Paragraph 321 of the Complaint speaks for itself and no further response is
19 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
20 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
21 Paragraph 321; to the extent any answer is required, HML denies the allegations therein.

22 322. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 322 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
25 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
26 Paragraph 322; to the extent any answer is required, HML denies the allegations therein.

27 **b. “Korean Battery Trade Associations”**

1 323. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 323 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
4 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
5 Paragraph 323; to the extent any answer is required, HML denies the allegations therein.

6 324. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
7 document quoted in Paragraph 324 of the Complaint speaks for itself and no further response is
8 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
9 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
10 Paragraph 324; to the extent any answer is required, HML denies the allegations therein.

11 325. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document quoted in Paragraph 325 of the Complaint speaks for itself and no further response is
13 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
14 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
15 Paragraph 325; to the extent any answer is required, HML denies the allegations therein.

16 326. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 326 of the Complaint speaks for itself and no further response is
18 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
19 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
20 Paragraph 326; to the extent any answer is required, HML denies the allegations therein.

21 327. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 327 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
24 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
25 Paragraph 327; to the extent any answer is required, HML denies the allegations therein.

26 328. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 328 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
2 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
3 Paragraph 328; to the extent any answer is required, HML denies the allegations therein.

4 **c. “Other Trade Associations”**

5 329. HML denies the allegations in the third sentence of Paragraph 329 of the Complaint
6 to the extent they state that HML is a member of the Portable Rechargeable Battery Association.
7 HML lacks knowledge or information sufficient to form a belief as to the truth of the remaining
8 allegations in Paragraph 329; to the extent any answer is required, HML denies the allegations
9 therein.

10 330. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
11 document quoted in Paragraph 330 of the Complaint speaks for itself and no further response is
12 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
13 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
14 Paragraph 330; to the extent any answer is required, HML denies the allegations therein.

15 331. HML states that it lacks knowledge or information sufficient to form a belief as to the
16 truth of the allegations in Paragraph 331 of the Complaint; to the extent any answer is required,
17 HML denies the allegations therein.

18 **E. “Government Investigations into the Lithium Ion Batteries Cartel”**

19 332. HML denies the allegations in Paragraph 332 of the Complaint to the extent they state
20 allegations against HML. HML lacks sufficient information to confirm or deny the remaining
21 allegations in Paragraph 332; to the extent that any answer is required, HML denies the allegations
22 therein.

23 333. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
24 document quoted in Paragraph 333 of the Complaint speaks for itself and no further response is
25 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
26 knowledge or information sufficient to form a belief as to the truth of the underlying allegations in
27 Paragraph 333; to the extent any answer is required, HML denies the allegations therein.

1 334. HML lacks knowledge or information sufficient to form a belief as to the truth of the
2 allegations in Paragraph 334 of the Complaint; to the extent any answer is required, HML denies the
3 allegations therein.

4 335. HML states that it lacks knowledge or information sufficient to form a belief as to the
5 truth of the allegations in Paragraph 335 of the Complaint; to the extent any answer is required,
6 HML denies the allegations therein.

7 336. HML states that, if quoted accurately, the document quoted in Paragraph 336 of the
8 Complaint speaks for itself and no further response is required; to the extent any response is
9 required, HML denies the allegations therein.

10 **1. “The Criminal Guilty Pleas of Sanyo Electric Co. and LG Chem, Ltd.”**

11 **a. “Sanyo Electric Co. Ltd.’s Criminal Guilty Plea”**

12 337. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
13 document quoted in Paragraph 337 of the Complaint speaks for itself and no further response is
14 required; to the extent that any answer is required, HML denies the allegations therein.

15 338. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
16 document quoted in Paragraph 338 of the Complaint speaks for itself and no further response is
17 required; to the extent that any answer is required, HML denies the allegations therein.

18 339. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
19 document quoted in Paragraph 339 of the Complaint speaks for itself and no further response is
20 required; to the extent that any answer is required, HML denies the allegations therein.

21 **b. “LG Chem Ltd.’s Guilty Plea Agreement”**

22 340. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
23 document quoted in Paragraph 340 of the Complaint speaks for itself and no further response is
24 required; to the extent that any answer is required, HML denies the allegations therein.
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1 341. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document quoted in Paragraph 341 of the Complaint speaks for itself and no further response is
3 required; to the extent that any answer is required, HML denies the allegations therein.

4 342. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 342 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein.

7 343. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document quoted in Paragraph 343 of the Complaint speaks for itself and no further response is
9 required; to the extent that any answer is required, HML denies the allegations therein.

10 **F. “Defendants Have a History of Conspiring to Fix Prices for Critical Components**
11 **of Consumer Electronics”**

12 344. HML denies the allegations in Paragraph 344 of the Complaint to the extent that they
13 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
14 to the truth of the remaining allegations in Paragraph 344; to the extent any answer is required, HML
15 denies the allegations therein. HML specifically denies that it has a “long history of criminal
16 collusion” or that it has admitted to “illegal conduct.”

17 345. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document quoted in Paragraph 345 of the Complaint speaks for itself and no further response is
19 required; to the extent that any answer is required, HML denies the allegations therein. HML lacks
20 knowledge or information sufficient to form a belief as to the truth of the remaining underlying
21 allegations in Paragraph 345; to the extent any answer is required, HML denies the allegations
22 therein.

23 346. HML lacks information sufficient to form a belief as to the truth of the allegations in
24 the first sentence of Paragraph 346 of the Complaint, which consist of statements of technical
25 expertise that are best suited for an expert opinion; to the extent any answer is required, HML denies
26 the allegations therein. HML denies the allegations in Paragraph 346 to the extent they state that
27 HML has pled guilty to fixing the prices of DRAM chips, LCD screens, or Optical Disc Drives.

1 HML lacks knowledge or information sufficient to form a belief as to the truth of the remaining
2 allegations in Paragraph 346; to the extent any answer is required, HML denies the allegations
3 therein.

4 347. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 347 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML further
7 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
8 347; to the extent any answer is required, HML denies the allegations therein.

9 348. HML denies the allegations in the first sentence of Paragraph 348 of the Complaint to
10 the extent they state allegations against HML. If accurately quoted, which HML lacks sufficient
11 information to confirm or deny, the document quoted in the second sentence of Paragraph 348
12 speaks for itself and no further response is required; to the extent that any answer is required, HML
13 denies the allegations therein. HML lacks sufficient knowledge or information to form a belief as to
14 the truth of the remaining allegations in Paragraph 348; to the extent any response is required, HML
15 denies the allegations therein. HML specifically denies using any “illegal means.”

16 349. HML states that it lacks sufficient information to form a belief as to the truth of the
17 allegations in Paragraph 349 of the Complaint; to the extent any answer is required, HML denies the
18 allegations therein.

19 350. HML lacks knowledge or information sufficient to form a belief as to the truth of the
20 allegations in Paragraph 350 of the Complaint; to the extent any answer is required, HML denies the
21 allegations therein.

22 351. HML lacks knowledge or information sufficient to form a belief as to the truth of the
23 allegations in Paragraph 351 of the Complaint; to the extent any answer is required, HML denies the
24 allegations therein. HML denies that Hitachi Displays, Ltd. is a subsidiary or parent of HML.

25 352. HML lacks knowledge or information sufficient to form a belief as to the truth of the
26 allegations in Paragraph 352 of the Complaint; to the extent any answer is required, HML denies the
27 allegations therein. HML denies that Hitachi-LG Data Storage is a subsidiary or parent of HML.

1 353. HML admits the allegations in Paragraph 353 of the Complaint that certain
2 defendants have pleaded guilty to fixing prices for other products. HML denies that HML has ever
3 pleaded guilty to price-fixing charges.

4 354. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 354 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein.

7 355. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document quoted in Paragraph 355 of the Complaint speaks for itself and no further response is
9 required; to the extent that any answer is required, HML denies the allegations therein.

10 **VI. “THE ROLE OF THE PACKER COMPANIES IN THE INDUSTRY”**

11 356. HML lacks knowledge or information sufficient to form a belief as to the truth of the
12 allegations in Paragraph 356 of the Complaint, which consist of statements of technical and
13 economic theory that are best suited to an expert opinion; to the extent that any answer is required,
14 HML denies the allegations therein.

15 **A. “Simplo Technology Co., Ltd.”**

16 357. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
17 document quoted in Paragraph 357 speaks for itself and no further response is required; to the extent
18 that any answer is required, HML denies the allegations therein. HML further states that it lacks
19 sufficient information to confirm or deny the underlying allegations in Paragraph 357; to the extent
20 any answer is required, HML denies the allegations therein.

21 358. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
22 document quoted in Paragraph 358 of the Complaint speaks for itself and no further response is
23 required; to the extent that any answer is required, HML denies the allegations therein. HML further
24 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
25 358; to the extent any answer is required, HML denies the allegations therein.

26 359. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 359 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML further
2 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
3 359; to the extent any answer is required, HML denies the allegations therein.

4 360. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 360 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML further
7 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
8 360; to the extent any answer is required, HML denies the allegations therein.

9 **B. “Celxpert”**

10 361. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
11 document quoted in Paragraph 361 of the Complaint speaks for itself and no further response is
12 required; to the extent that any answer is required, HML denies the allegations therein. HML further
13 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
14 361; to the extent any answer is required, HML denies the allegations therein.

15 362. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
16 document quoted in Paragraph 362 of the Complaint speaks for itself and no further response is
17 required; to the extent that any answer is required, HML denies the allegations therein. HML further
18 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
19 362; to the extent any answer is required, HML denies the allegations therein.

20 363. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
21 document quoted in Paragraph 363 of the Complaint speaks for itself and no further response is
22 required; to the extent that any answer is required, HML denies the allegations therein. HML further
23 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
24 363; to the extent any answer is required, HML denies the allegations therein.

25 **C. “Dynapack”**

26 364. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document quoted in Paragraph 364 of the Complaint speaks for itself and no further response is
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1 required; to the extent that any answer is required, HML denies the allegations therein. HML further
2 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
3 364; to the extent any answer is required, HML denies the allegations therein.

4 365. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document quoted in Paragraph 365 of the Complaint speaks for itself and no further response is
6 required; to the extent that any answer is required, HML denies the allegations therein. HML further
7 states that it lacks sufficient information to confirm or deny the underlying allegations in Paragraph
8 365; to the extent any answer is required, HML denies the allegations therein.

9 **VII. "MANNER AND MEANS OF THE CONSPIRACY"**

10 366. HML denies the allegations in Paragraph 366 of the Complaint to the extent that they
11 state allegations against HML. HML lacks sufficient knowledge or information to form a belief
12 about the truth of the remaining allegations in Paragraph 366; to the extent any answer is required,
13 HML denies the allegations therein. HML specifically denies that it participated in any purported
14 "combination" or "conspiracy."

15 **VIII. "THE INFLATED PRICES OF LITHIUM ION BATTERIES WERE INCURRED BY
16 AND/OR PASSED THROUGH TO PLAINTIFFS"**

17 367. HML denies the allegations in Paragraph 367 of the Complaint to the extent that they
18 state allegations against HML. HML further specifically denies that any Plaintiffs suffered any harm
19 as the result of conduct by HML. HML lacks sufficient knowledge or information to form a belief
20 about the truth of the remaining allegations in Paragraph 367; to the extent any answer is required,
21 HML denies the allegations therein. HML specifically denies that it participated in any purported
22 "conspiracy" regarding the price of Lithium Ion Batteries.

23 368. HML lacks knowledge or information sufficient to form a belief as to the truth of the
24 allegations in Paragraph 368 of the Complaint, which consist of statements of technical and
25 economic theory that are best suited to an expert opinion; to the extent any answer is required, HML
26 denies the allegations therein.

1 369. HML lacks knowledge or information sufficient to form a belief as to the truth of the
2 allegations in Paragraph 369 of the Complaint, which consist of statements of technical and
3 economic theory that are best suited to an expert opinion; to the extent any answer is required, HML
4 denies the allegations therein.

5 370. HML lacks knowledge or information sufficient to form a belief as to the truth of the
6 allegations in Paragraph 370 of the Complaint, which consist of statements of economic theory that
7 are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations
8 therein.

9 **IX. “ANTITRUST INJURY”**

10 371. HML denies the allegations in Paragraph 371 of the Complaint to the extent that they
11 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
12 to the truth of the remaining allegations in Paragraph 371, which consist of statements of economic
13 theory that are best suited to an expert opinion; to the extent any answer is required, HML denies the
14 allegations therein. HML specifically denies that it participated in any purported misconduct.

15 372. HML denies the allegations in Paragraph 372 of the Complaint, and specifically
16 denies that it engaged in any conspiracy and that any price competition was restrained, prices of
17 LIBs were fixed, or purchasers were deprived of free competition as a result of HML’s conduct or
18 any purported “conspiracy.”

19 373. HML denies the allegations in Paragraph 373 of the Complaint. HML specifically
20 denies that Plaintiffs have suffered any injury as the result of conduct by HML.

21 374. HML denies the allegations in Paragraph 374 of the Complaint. HML specifically
22 denies that it violated antitrust laws and that Plaintiffs suffered any injury as the result of HML’s
23 conduct.

24 375. HML states that the allegation in Paragraph 375 of the Complaint consist of legal
25 arguments and conclusions to which no response is required; to the extent that any answer is
26 required, HML denies the allegations therein.

1 **X. “PLAINTIFFS’ CLAIMS ARE NOT BARRED BY THE STATUTE OF**
2 **LIMITATIONS”**

3 **A. “The Statute of Limitations Did Not Begin to Run Until Summer 2012 at the**
4 **Earliest Because Plaintiffs Did Not and Could Not Discover Their Claims”**

5 376. HML lacks knowledge or information sufficient to form a belief as to the truth of the
6 allegations in Paragraph 376 of the Complaint; to the extent any answer is required, HML denies the
7 allegations therein.

8 377. If accurately described, which HML lacks sufficient information to confirm or deny,
9 the documents described in Paragraph 377 speak for themselves and no further response is required;
10 to the extent that any answer is required, HML denies the allegations therein.

11 378. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document’s quoted language in the remainder of Paragraph 378 speaks for itself and no further
13 response is required; to the extent that any answer is required, HML denies the allegations therein.

14 379. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
15 document’s quoted language in the remainder of Paragraph 379 speaks for itself and no further
16 response is required; to the extent that any answer is required, HML denies the allegations therein.

17 380. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document’s quoted language in the remainder of Paragraph 380 speaks for itself and no further
19 response is required; to the extent that any answer is required, HML denies the allegations therein.

20 381. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
21 document’s quoted language in the remainder of Paragraph 381 speaks for itself and no further
22 response is required; to the extent that any answer is required, HML denies the allegations therein.

23 382. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
24 document’s quoted language in the remainder of Paragraph 382 speaks for itself and no further
25 response is required; to the extent that any answer is required, HML denies the allegations therein.

26 383. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
27 document’s quoted language in the remainder of Paragraph 383 speaks for itself and no further
28 response is required; to the extent that any answer is required, HML denies the allegations therein.

1 384. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
2 document's quoted language in the remainder of Paragraph 384 speaks for itself and no further
3 response is required; to the extent that any answer is required, HML denies the allegations therein.

4 385. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
5 document's quoted language in the remainder of Paragraph 385 speaks for itself and no further
6 response is required; to the extent that any answer is required, HML denies the allegations therein.

7 386. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
8 document's quoted language in the remainder of Paragraph 386 speaks for itself and no further
9 response is required; to the extent that any answer is required, HML denies the allegations therein.

10 387. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
11 document's quoted language in the remainder of Paragraph 387 speaks for itself and no further
12 response is required; to the extent that any answer is required, HML denies the allegations therein.

13 388. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
14 document's quoted language in the remainder of Paragraph 388 speaks for itself and no further
15 response is required; to the extent that any answer is required, HML denies the allegations therein.

16 389. HML denies the allegations in Paragraph 389 of the Complaint to the extent they state
17 allegations against HML. If accurately quoted, which HML lacks sufficient information to confirm
18 or deny, the document's quoted language in the remainder of Paragraph 389 speaks for itself and no
19 further response is required; to the extent that any answer is required, HML denies the allegations
20 therein.

21 390. HML denies the allegations in Paragraph 390 of the Complaint to the extent they state
22 allegations against HML. If accurately quoted, which HML lacks sufficient information to confirm
23 or deny, the document's quoted language in the remainder of Paragraph 390 speaks for itself and no
24 further response is required; to the extent that any answer is required, HML denies the allegations
25 therein.

26 391. HML admits that it has promulgated and adheres to the policies ascribed to HML in
27 Paragraph 391 of the Complaint.

1 392. HML admits that it has promulgated and adheres to the policies ascribed to HML in
2 Paragraph 392 of the Complaint.

3 393. HML denies the allegations in Paragraph 393 of the Complaint to the extent they state
4 allegations against HML. If accurately quoted, which HML lacks sufficient information to confirm
5 or deny, the document's quoted language in the remainder of Paragraph 393 speaks for itself and no
6 further response is required; to the extent that any answer is required, HML denies the allegations
7 therein.

8 394. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
9 document's quoted language in the remainder of Paragraph 394 speaks for itself and no further
10 response is required; to the extent that any answer is required, HML denies the allegations therein.

11 395. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
12 document's quoted language in the remainder of Paragraph 395 speaks for itself and no further
13 response is required; to the extent that any answer is required, HML denies the allegations therein.

14 396. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
15 document's quoted language in the remainder of Paragraph 396 speaks for itself and no further
16 response is required; to the extent that any answer is required, HML denies the allegations therein.

17 397. If accurately quoted, which HML lacks sufficient information to confirm or deny, the
18 document's quoted language in the remainder of Paragraph 397 speaks for itself and no further
19 response is required; to the extent that any answer is required, HML denies the allegations therein.

20 398. HML lacks knowledge or information sufficient to form a belief as to the truth of the
21 allegations in Paragraph 398 of the Complaint; to the extent any answer is required, HML denies the
22 allegations therein.

23 399. HML states that the allegations in Paragraph 399 of the Complaint consist of legal
24 arguments and conclusions to which no response is required; to the extent that any answer is
25 required, HML denies the allegations therein.

1 **B. “Fraudulent Concealment Tolled the Statute of Limitations”**

2 400. HML states that the allegations in Paragraph 400 of the Complaint consist of legal
3 arguments and conclusions to which no response is required; to the extent that any answer is
4 required, HML denies the allegations therein.

5 401. HML denies the allegations in Paragraph 401 of the Complaint to the extent that they
6 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
7 to the truth of the remaining allegations in Paragraph 401; to the extent any answer is required, HML
8 denies the allegations therein. HML specifically denies that it engaged in unlawful conduct or that
9 Plaintiffs suffered any injury as the result of any conduct by HML.

10 402. HML denies the allegations in Paragraph 402 of the Complaint to the extent that they
11 state allegations against HML. HML further states that the remaining allegations in Paragraph 402
12 consist of legal arguments and conclusions to which no response is required; to the extent that any
13 answer is required, HML denies the allegations therein.

14 403. HML denies the allegations in Paragraph 403 of the Complaint.

15 404. HML denies the allegations in Paragraph 404 of the Complaint to the extent that they
16 state allegations against HML. HML further states that the remaining allegations in Paragraph 404
17 consist of legal arguments and conclusions to which no response is required; to the extent that any
18 answer is required, HML denies the allegations therein. HML specifically denies that it participated
19 in any “anticompetitive conspiracy.”

20 405. HML denies the allegations in Paragraph 405 of the Complaint to the extent that they
21 state allegations against HML. HML further states that the remaining allegations in Paragraph 405
22 consist of legal arguments and conclusions to which no response is required; to the extent that any
23 answer is required, HML denies the allegations therein. HML specifically denies that it participated
24 in any purported “conspiracy” or that it had “co-conspirators.”

25 406. HML denies the allegations in Paragraph 406 of the Complaint to the extent that they
26 state allegations against HML. HML further states that the remaining allegations in Paragraph 406
27 consist of legal arguments and conclusions to which no response is required; to the extent that any
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1 answer is required, HML denies the allegations therein. HML specifically denies that it participated
2 in any purported “conspiracy” or that it had “co-conspirators.”

3 **XI. “TOLLING”**

4 407. HML states that the allegations in Paragraph 407 of the Complaint consist of legal
5 arguments and conclusions to which no response is required; to the extent that any answer is
6 required, HML denies the allegations therein.

7 **XII. “TRADE AND COMMERCE AFFECTED BY DEFENDANTS’ CONSPIRACY”**

8 408. HML lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations in Paragraph 408 of the Complaint, which consist of statements of economic theory that
10 are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations
11 therein.

12 409. HML lacks knowledge or information sufficient to form a belief as to the truth of the
13 allegations in Paragraph 409 of the Complaint; to the extent any answer is required, HML denies the
14 allegations therein.

15 410. HML lacks knowledge or information sufficient to form a belief as to the truth of the
16 allegations in Paragraph 410 of the Complaint; to the extent any answer is required, HML denies the
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1 allegations therein.

2 **A. “Defendants’ Conduct Involved Import Trade or Import Commerce”**

3 411. HML denies the allegations in Paragraph 411 of the Complaint to the extent that they
4 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
5 to the truth of the remaining allegations in Paragraph 411; to the extent any answer is required, HML
6 denies the allegations therein. HML specifically denies that it engaged in any “illegal conduct.”

7 412. HML denies the allegations in Paragraph 412 of the Complaint to the extent that they
8 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
9 to the truth of the remaining allegations in Paragraph 412; to the extent any answer is required, HML
10 denies the allegations therein.

11 413. HML denies the allegations in Paragraph 413 of the Complaint to the extent that they
12 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
13 to the truth of the remaining allegations in Paragraph 413; to the extent any answer is required, HML
14 denies the allegations therein. HML specifically denies that it sold any “price-fixed Lithium Ion
15 Batteries.”

16 414. HML denies the allegations in Paragraph 414 of the Complaint to the extent that they
17 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
18 to the truth of the remaining allegations in Paragraph 414; to the extent any answer is required, HML
19 denies the allegations therein.

20 415. HML denies the allegations in Paragraph 415 of the Complaint to the extent that they
21 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
22 to the truth of the remaining allegations in Paragraph 415; to the extent any answer is required, HML
23 denies the allegations therein.

24 416. HML admits the allegations in Paragraph 416 of the Complaint to the extent they are
25 stated against HML, and lacks knowledge or information sufficient to form a belief as to the truth of
26 the remaining allegations in Paragraph 416; to the extent any answer is required, HML denies the
27 allegations therein.

1 417. HML denies the allegations in Paragraph 417 of the Complaint to the extent that they
2 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as to
3 the truth of the remaining allegations in Paragraph 417; to the extent any answer is required, HML
4 denies the allegations therein. HML specifically denies that it “agreed on prices” with competitors
5 and that it “manufactures products containing Lithium Ion Batteries.”

6 418. HML denies the allegations in Paragraph 418 of the Complaint to the extent that they
7 state allegations against HML. HML lacks knowledge or information sufficient to form a belief as
8 to the truth of the remaining allegations in Paragraph 418; to the extent any answer is required, HML
9 denies the allegations therein.

10 419. HML states that the allegations in Paragraph 419 of the Complaint consist of legal
11 arguments and conclusions to which no response is required; to the extent any response is required,
12 HML denies the allegations therein.

13 **B. “Defendants’ Conduct Had a Direct, Substantial, and Reasonably Foreseeable**
14 **Effect on U.S. Domestic and Import Trade or Commerce That Gave Rise to**
15 **Plaintiffs’ Antitrust Claims”**

16 420. HML denies the allegations in Paragraph 420 of the Complaint to the extent that they
17 state allegations against HML. HML states that the allegations in the final sentence of Paragraph
18 420 consist of legal arguments and conclusions to which no response is required; to the extent any
19 response is required, HML denies the allegations therein. HML further states it lacks sufficient
20 information or knowledge to form a belief as to the remaining allegations in Paragraph 420; to the
21 extent that any answer is required, HML denies the allegations therein. HML specifically denies that
22 it engaged in any illegal conduct or that any Plaintiffs suffered any injury as the result of HML’s
conduct.

23 421. HML denies the allegations in the first sentence of Paragraph 421 of the Complaint to
24 the extent that it states allegations against HML. If accurately quoted, which HML lacks sufficient
25 information to confirm or deny, the document quoted in the third sentence of Paragraph 421 speaks
26 for itself and no further response is required; to the extent that any answer is required, HML denies
27 the allegations therein. HML further states that it lacks sufficient information to confirm or deny the
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1 remaining allegations in Paragraph 421; to the extent any answer is required, HML denies the
2 allegations therein. HML specifically denies that it participated in any purported “price-fixing
3 conspiracy.”

4 422. HML denies the allegations in Paragraph 422 of the Complaint to the extent that it
5 states allegations against HML. If accurately described, which HML lacks sufficient information to
6 confirm or deny, the website described in the second sentence of Paragraph 422 speaks for itself and
7 no further response is required; to the extent that any answer is required, HML denies the allegations
8 therein.

9 423. HML lacks knowledge or information sufficient to form a belief as to the truth of the
10 allegations in Paragraph 423 of the Complaint, which consist of statements of economic theory that
11 are best suited to an expert opinion; to the extent any answer is required, HML denies the allegations
12 therein.

13 **XIII. “LEGAL CLAIMS”**

14 **A. “First Claim for Relief – Violation of Section 1 of the Sherman Act”**

15 424. HML incorporates by reference its responses to all of the preceding Paragraphs as if
16 restated in full in response to Paragraph 424 of the Complaint.

17 425. HML denies the allegations in Paragraph 425 of the Complaint.

18 426. HML denies the allegations in Paragraph 426 of the Complaint.

19 427. HML denies the allegations in Paragraph 427 of the Complaint.

20 428. HML denies the allegations in Paragraph 428 of the Complaint.

21 429. HML denies the allegations in Paragraph 429 of the Complaint.

22 430. HML denies the allegations in Paragraph 430 of the Complaint.

23 **B. “Second Claim for Relief – Violation of the California Cartwright Act”**

24 431. HML incorporates by reference its responses to all of the preceding Paragraphs as if
25 restated in full in response to Paragraph 431 of the Complaint.

432. HML lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 432 of the Complaint; to the extent any answer is required, HML denies the allegations therein.

433. HML denies the allegations in Paragraph 433 of the Complaint.

434. HML denies the allegations in Paragraph 434 of the Complaint.

435. HML denies the allegations in Paragraph 435 of the Complaint.

436. HML denies the allegations in Paragraph 436 of the Complaint.

437. HML denies the allegations in Paragraph 437 of the Complaint.

438. HML denies the allegations in Paragraph 438 of the Complaint.

439. HML states that the allegations in Paragraph 439 of the Complaint consist of legal arguments and conclusions to which no response is required; to the extent that any answer is required, HML denies the allegations therein.

C. “Third Claim for Relief – Violation of California Unfair Competition Law, Cal. Bus. Profs. Code §§ 17200 et seq.”

440. HML incorporates by reference its responses to all of the preceding Paragraphs as if restated in full in response to Paragraph 440 of the Complaint.

441. HML states that the allegation in Paragraph 441 of the Complaint consist of legal arguments and conclusions to which no response is required; to the extent that any answer is required, HML denies the allegations therein.

442. HML states that the allegations in Paragraph 442 of the Complaint consist of legal arguments and conclusions to which no response is required; to the extent that any answer is required, HML denies the allegations therein.

443. HML states that the allegations in Paragraph 443 of the Complaint consist of legal arguments and conclusions to which no response is required; to the extent that any answer is required, HML denies the allegations therein.

1 444. HML states that the allegations in Paragraph 444 of the Complaint consist of legal
2 arguments and conclusions to which no response is required; to the extent that any answer is
3 required, HML denies the allegations therein.

4 445. HML states that the allegations in Paragraph 445 of the Complaint consist of legal
5 arguments and conclusions to which no response is required; to the extent that any answer is
6 required, HML denies the allegations therein.

7 446. HML states that the allegations in Paragraph 446 of the Complaint consist of legal
8 arguments and conclusions to which no response is required; to the extent that any answer is
9 required, HML denies the allegations therein.

10 447. HML states that the allegations in Paragraph 447 of the Complaint consist of legal
11 arguments and conclusions to which no response is required; to the extent that any answer is
12 required, HML denies the allegations therein.

13 448. HML lacks knowledge or information sufficient to form a belief as to the truth of the
14 allegations in Paragraph 448 of the Complaint; to the extent any answer is required, HML denies the
15 allegations therein.

16 449. HML denies that it engaged in any conspiracy.

17 450. HML states that the allegations in Paragraph 450 of the Complaint consist of legal
18 arguments and conclusions to which no response is required; to the extent that any answer is
19 required, HML denies the allegations therein.

20 **“PRAYER FOR RELIEF”**

21 HML denies that Plaintiffs have suffered any injury and further deny that Plaintiffs are
22 entitled to any of the relief they seek through the Complaint, under any theory.

23 **“JURY TRIAL DEMANDED”**

24 HML admits that Plaintiffs demand a trial by jury of all claims asserted in this Complaint that
25 are so triable.

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1 **NINTH AFFIRMATIVE DEFENSE**

2 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, because
3 Plaintiffs lack standing.

4 **TENTH AFFIRMATIVE DEFENSE**

5 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, because
6 Plaintiffs have failed to plead fraud, fraudulent concealment, or conspiracy with particularity.

7 **ELEVENTH AFFIRMATIVE DEFENSE**

8 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, by the
9 doctrine of waiver, estoppel, and/or unclean hands.

10 **TWELFTH AFFIRMATIVE DEFENSE**

11 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, because
12 Plaintiffs accepted the benefit of their bargain.

13 **THIRTEENTH AFFIRMATIVE DEFENSE**

14 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, because
15 the acts or omissions of HML did not substantially lessen competition in any properly defined
16 market.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, because
19 the alleged conduct was unilateral, has not unreasonably restrained trade, was based on independent
20 and legitimate business justifications, and constituted bona fide competition.

21 **FIFTEENTH AFFIRMATIVE DEFENSE**

22 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, because
23 Plaintiffs fail to allege sufficiently or otherwise properly define any market for the purpose of
24 asserting a claim against HML.

25 **SIXTEENTH AFFIRMATIVE DEFENSE**

26 Plaintiffs' claims and prayer for relief against HML are barred, in whole or in part, by the
27 Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6(a).

1 **SEVENTEENTH AFFIRMATIVE DEFENSE**

2 Plaintiffs' claims and prayer for relief against HML are barred to the extent that HML's
3 alleged conduct occurred outside the jurisdiction of this Court and/or was neither directed to nor
4 affected persons, entities, or commerce in California.

5 **EIGHTEENTH AFFIRMATIVE DEFENSE**

6 Plaintiffs' claims and prayer for relief against HML are barred to the extent Plaintiffs seek
7 disgorgement of revenues and profits under California Business and Professions Code §§ 17200, et
8 seq., beyond any monies Plaintiffs directly paid to HML, if any.

9 **NINETEENTH AFFIRMATIVE DEFENSE**

10 HML avers that Plaintiffs' damages, if any, resulted from the acts or omissions of third
11 parties over whom HML had no control or responsibility. The acts of such third parties constitute
12 intervening or superseding causes of the harm, if any, suffered by Plaintiffs.

13 **TWENTIETH AFFIRMATIVE DEFENSE**

14 HML avers that Plaintiffs' claims are barred, in whole or in part, to the extent that Plaintiffs
15 seek damages that are duplicative of damages sought in other actions.

16 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

17 HML hereby adopts and incorporates by reference any and all other affirmative defenses
18 asserted or to be asserted by any other Defendant in this proceeding to the extent that HML may
19 share in such affirmative defenses.

20 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

21 HML has not knowingly or intentionally waived any applicable affirmative defenses and
22 reserves the right to assert and rely on such other applicable affirmative defenses as may become
23 available or apparent during discovery proceedings. HML further reserves the right to amend its
24 Answer and/or affirmative defenses accordingly, and/or to delete affirmative defenses that it
25 determines are not applicable during the course of discovery.

26 **PRAYER FOR RELIEF**

27 Wherefore, HML respectfully requests that this Court:

- 1 A. Dismiss Plaintiffs' Complaint with prejudice;
2 B. Deny Plaintiffs' requested relief against HML;
3 C. Enter judgment in favor of HML and against Plaintiffs;
4 D. Award HML their attorney's fees and costs; and
5 E. Grant HML such other and further relief as the Court deems just and proper.

6 Dated: October 13, 2015

Respectfully submitted,

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By: /s/ Craig P. Seebald

Craig P. Seebald (*pro hac vice*)

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Attorneys for Defendants

Hitachi Maxell, Ltd.

Maxell Corporation of America

CERTIFICATE OF SERVICE

The undersigned certifies that on October 13, 2015, the foregoing document DEFENDANT HITACHI MAXELL, LTD.'S ANSWER TO COMPLAINT OF ACER, INC.; ACER AMERICA CORPORATION; GATEWAY, INC.; AND GATEWAY U.S. RETAIL, INC. F/K/A EMACHINES, INC. was electronically filed with the Clerk of the Court for the UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, using Court's Electronic Case Filing (ECF) system. The ECF system routinely sends a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this notice as service of this document by electronic means.

/s/ Craig P. Seebald
Craig P. Seebald